COMMITTEE REPORT NO. 07 14 (1) TABLED ON NOV 1 2001

Northwest Territories Legislative Assembly

Standing Committee on Rules and Procedures

Report on "Modernizing Our Electoral System: the Report of the Chief Electoral Officer on the Election of the Fourteenth Legislative Assembly of the Northwest Territories 1999"

Chair: Mr. Brendan Bell

MEMBERS OF THE STANDING COMMITTEE ON RULES AND PROCEDURES

Brendan Bell
MLA Yellowknife South
Chair

David Krutko
MLA Mackenzie Delta
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Paul Delorey
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WITNESSES

David M. Hamilton
Chief Electoral Officer
Elections NWT

Glen McLean
Deputy Chief Electoral Officer
Elections NWT

Northwest Territories Legislative Assembly
Standing Committee on Rules, Procedures and Privileges

OCT 31 2001

THE HONOURABLE ANTHONY (TONY) WHITFORD, MLA
SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Rules and Procedures has the honour of presenting its Report on "Modernizing Our Electoral System: the Report of the Chief Electoral Officer on the Election of the Fourteenth Legislative Assembly of the Northwest Territories 1999", and commends it to the House.

Brendan Bell
Chair

Attachment

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Report of the Standing Committee on Rules and Procedures

On

Modernizing Our Electoral System: the Report of the Chief Electoral officer on the Election of the Fourteenth Legislative Assembly of the Northwest Territories 1999.

Introduction:

Subsection 164(1)(e) of the Elections Act provides that the Chief Electoral Officer (CEO) may make recommendations to the Legislative Assembly on any matter that would assist with improving the administration of future elections. If, in the opinion of the Chief Electoral Officer, it may be desirable for the better administration of elections to make amendments to election laws, he may recommend such amendments through a report to the Legislative Assembly.

The report of the Chief Electoral Officer was tabled in the Legislative Assembly in July of 2000. On October 9, 2001 the Standing Committee on Rules and Procedures conducted a public review with the Chief Electoral Officer.

Written submissions were solicited from NWT residents throughout the summer. Two written submissions were received by the Committee and are included as Appendix 1 in the Committee's Report.

The Committee would like to thank David Hamilton, the Chief Electoral Officer, and Glen McLean, Deputy Chief Electoral Officer of Elections NWT for appearing before the Committee to discuss the recommendations in the report.

The Chief Electoral Officer made a number of specific recommendations for change to the current electoral system. The Committee responses to the Chief Electoral Officer's recommendations and the Committee's recommendations to the Legislative Assembly, presented in this report.

ELIGIBILITY OF ELECTORS

Subsection 29(5) of the Elections Act provides that a person does not lose his or her residence by leaving his or her home or dwelling for a temporary purpose.

The Act does not define what a temporary purpose is or the length of a temporary absence. During the 1999 general election a number of instances arose dealing with electors being temporarily absent from their home or residence and whether they were eligible to vote in a specific electoral district.

The Chief Electoral Officer (CEO) recommended that the Elections Act be amended to prescribe the purpose and the length of time for which an elector may claim a temporary absence from his or her electoral district.

The Standing Committee on Rules and Procedures agreed that the purpose and length of time for which an elector may claim a temporary absence should be defined. However, in the absence of any definition of "ordinarily resident", Members were reluctant to recommend a prescribed time limit on temporary absences.

The Standing Committee on Rules and Procedures will be offering no recommendation at this time and will be seeking legal advice on setting time limits on temporary absences.

MEMBERS, SPOUSES AND DEPENDENTS

Residency is one of the fundamental aspects in determining whether a person is eligible to vote in an election and in what electoral district that person is able to cast their ballot. All eligible electors must vote in the electoral district where they reside, except for incumbents and their families. Under our current legislation, incumbents choose where they want their residency for electoral purposes. The CEO believes this practice clearly gives current sitting members an advantage over other candidates and provides them with an option not open to any other elector and that this practice should be discontinued.

The Standing Committee on Rules and Procedures is in agreement with the CEO.

Recommendation 1

The Standing Committee on Rules and Procedures recommends that section 32 of the Elections Act be repealed and that Members, their Spouses and Dependents be enumerated and vote in the constituency in which they reside.

PERMANENT LIST OF ELECTORS

Presently, enumeration is conducted through the appointment of enumerators who go door-to-door to record the names of those persons who are eligible electors. The enumeration is carried out over a 9-day period and employs approximately 100 enumerators. The cost to conduct enumeration is estimated at over $35,000.

A number of jurisdictions including Canada, Alberta, British Columbia, New Brunswick, Newfoundland, Ontario and Quebec have established a permanent list of electors. These jurisdictions use a number of ways to update their list of electors including, when required by their respective election Acts, a door-to-door enumeration.

Manitoba, Nova Scotia, Prince Edward Island, Nunavut, Saskatchewan, Yukon and Northwest Territories depend solely on the door-to-door method to produce a list of electors.

The Standing Committee on Rules and Procedures notes that significant opportunities for savings could be realized with the development of a permanent list of electors. It is also noted that information contained in a permanent list of electors, with appropriate privacy safeguards, could be shared with municipal and aboriginal governments.

Recommendation 2

The Standing Committee on Rules and Procedures recommends that Elections NWT develop a permanent list of eligible electors with appropriate privacy safeguards.

AUTOMATED LIST OF ELECTORS

The Office of the Chief Electoral Officer used a modified version of Elections Canada's Automated Preliminary List of Electors (ECAPLE) program to create a NWT Preliminary List of Electors, Statement of Changes and Additions and the Final List of Electors. The ECAPLE system is not Y2K compliant and needs to be replaced.

Elections Canada has developed a new automated system but it would require extensive modifications to meet the needs of Elections NWT. Discussions with the CEO indicate that the enumeration system used by Alberta could be adapted to meet the needs of Elections NWT.

Recommendation 3

The Standing Committee on Rules and Procedures recommends that Elections NWT develop an Automated Enumeration Data Entry and Retrieval System.

NOMINATION PERIOD

The Elections Act provides that nomination day shall be at 2:00 p.m. on Monday the 35th day before polling day. This provision allows for a 10-day nomination period, however nominations are normally presented to returning officers during the weekdays reducing the days for filing to 7 days. A reduction in the nomination period would contribute to a shortened electoral event and allow for an earlier production of ballot requirements. In most cases, potential candidates have already made up their minds if they are going to run well before nominations open.

During the 1999 general election 66 nomination papers were filed, with 48 or 73% being filed in the first week that nominations were accepted.

Committee Members have no objections to shortening the nomination period, given that the persons who are interested in running for the Legislative Assembly should be aware of the four-year mandate of each Assembly.

Recommendation 4

The Standing Committee on Rules and Procedures recommends that the Elections Act be amended to reduce the nomination period to 5 days.

EXCEPTIONS TO INELIGIBLE CANDIDATES – VARIOUS GROUNDS

Paragraph 51(3)(a) of the Elections Act provides that every person who accepts or holds any office, commission or employment, permanent or temporary, in the service of the Government of the Northwest Territories, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached, during the time that he or she is holding the office, commission or employment is not eligible to be a candidate.

Paragraph 51(4)(d) provides an exception by allowing an employee of the Government of the Northwest Territories to seek a leave of absence from their employment, but does not provide the same privilege to a person who is appointed to a board or agency of the government.

The CEO had recommended that all persons named in Paragraph 51(3)(a) would be eligible to be a candidate in a territorial election provided that they took a leave of absence from their duties.

Subsequent to the presentation of the Report, the CEO sought and received a legal opinion that indicated the territorial government would not be able to legislate Boards and Agencies outside of its immediate control to allow candidates to run.

Consequently, the CEO asked that this recommendation be removed from consideration by the Standing Committee on Rules and Procedures. Committee Members agreed with the CEO's assessment and did not consider offering an opinion on this recommendation.

WITHDRAWAL OF CANDIDATE

The Elections Act provides that candidates may withdraw their nomination up to 8:00 p.m. on nomination day. The Northwest Territories and Nunavut are the only jurisdictions that provide for a late hour withdrawal on nomination day. Other jurisdictions vary on the time that candidates may withdraw their nomination paper. As an example, Canada allows a withdrawal up to 5:00 p.m., Prince Edward Island until 4:00 p.m. and Nova Scotia until 1:00 p.m., on nomination day.

The Standing Committee on Rules and Procedures note there is an associated cost with keeping electoral offices open late to accommodate an 8:00 PM withdrawal time and had no problems with eliminating late-hour withdrawals.

Recommendation 5

The Standing Committee on Rules and Procedures recommends that the Elections Act be amended to provide that a candidate may withdraw their nomination up to 5:00 p.m. on nomination day.

FIXING REVISION DAY

The Elections Act provides that eligible electors have, from the issue of the Writ of Election, to the day established by the Chief Electoral Officer as revision day, usually the 28th day before polling day, to make revisions to the list of electors. On revision day, the returning officer or the assistant returning officer is required to be in their office until 8:00 p.m. to receive these additions, changes or deletions.

The Standing Committee notes that the time period provided by the Chief Electoral Officer is sufficient for electors to make additions, changes or deletions and consequently the requirement for a returning officer to be in their office for an extended period on a specified day is no longer required.

Recommendation 6

The Standing Committee on Rules and Procedures recommends that the requirement for the Chief Electoral Officer to designate a specific day as revision day be repealed and be substituted in the Elections Act with the designation of a revision period.

FORM OF THE BALLOT

Section 74 of the Elections Act provides that all ballot papers be in the prescribed form and each ballot paper must state the names in alphabetical order of the surnames and numbered sequentially and have a counterfoil and stub. Section 76 of the Elections Act provides that the Chief Electoral Officer shall produce photo placards, in the prescribed form, containing the names of the candidates in alphabetical order of the surnames and numbered sequentially, a photograph of each candidate, if provided, and the address and occupation of the candidates. Electors have complained that the photo placards are not always discernible, as they are not always close to the voting screens.

The Standing Committee on Rules and Procedures believes the inclusion of candidates' photographs on the ballot will assist all electors especially those with low literacy levels and those who have difficulty in identifying the candidates, thus eliminating the need for Photo placards.

Recommendation 7

The Standing Committee on Rules and Procedures recommends that the Elections Act be amended to provide that the photographs of candidates, who supply photos, appear on the ballot;

And furthermore, that the requirement to provide photo placards be discontinued.

VOTING BY SPECIAL MAIL-IN BALLOT

The Office of the Chief Electoral Officer received only one complaint with respect to voting by special mail-in ballot. A student in Calgary noticed that it had taken 10 days for her mail-in ballot to arrive and wondered how long it took other students to receive theirs. The mail-in ballots were mailed between the 16th and 19th of November allowing over 2 weeks for the ballot to be received by the registered elector and to be returned to the Office of the Chief Electoral Officer by the December 3rd deadline.

The Standing Committee on Rules and Procedures agrees that the two-week period may be insufficient depending on the location of the registered elector. The Committee believes allowing voting by special mail-in ballot to commence at the close of nominations, by offering write-in ballots until such time as regular ballots are available, would provide additional time to send out and receive ballots cast by mail.

Recommendation 8

The Standing Committee recommends that the Elections Act be amended to allow the Chief Electoral Officer to provide write-in ballots for voting by mail.

ADVANCE POLLS

The introduction of voting in the office of the returning officer makes holding advance polls unnecessary in communities where the returning officer is located. A total of 664 electors cast their ballot in the offices of the returning officers. Advance polls were conducted in 22 communities at an estimated cost of $13,000.00. Removing the requirement to hold advance polls in communities where the returning officer is located would reduce the estimated cost of holding advance polls by approximately $10,000.00.

The Standing Committee notes there will still be advance polls in those communities that do not have a returning officer and that there are further cost-savings to be realized by reducing the hours that an Advance Poll is open.

Recommendation 9

The Standing Committee on Rules and Procedures recommends that advance polls no longer be held in communities where the returning officer is located and that the Elections Act be amended to provide that advance polls be held between the hours of 12:00 noon and 8:00 p.m.

PROXY VOTING

Significant changes were made to proxy voting provisions in 1997 when the Elections Act was amended in an effort to prevent some of the problems that occurred during the 1995 territorial election in the electoral district of Thebacha and some of the other districts.

Unfortunately, even with the additional restrictions put on proxy voting this method of voting remains open to abuse. The Chief Electoral Officer identified problems in filing applications and with the issuing of the proxy certificates themselves.

For the most part, proxy voting was hardly used in a majority of electoral districts. However, major irregularities and questionable practices occurred in the electoral district of Tu Nedhe which were of particular concern to Elections NWT.

The Standing Committee on Rules and Procedures notes that with the addition of voting in the office of the returning officer, voting by special "mail-in" ballot and the recommendation to introduce special mobile voting stations, the need for proxy voting no longer exists and should be discontinued

Recommendation 10

The Standing Committee on Rules and Procedures recommends that the Elections Act be amended to eliminate proxy voting.

VOTING BY RETURNING OFFICERS

The Elections Act provides that a returning officer is not able to vote at an election. This provision is there to promote a spirit of non-partisanship and independence of the position of returning officer.

Previously, the Act provided that the returning officer voted only to break a tie following a judicial recount. However, the Elections Act was amended and now provides that, should a tie result after a judicial recount, a by-election would be held. Further, constitutional concerns have been raised with respect to elector rights provided under the Canadian Charter of Rights and Freedoms and the possible infringement of those rights respecting returning officers.

The new Canada Elections Act includes a provision that would allow returning officers to vote at a federal election.

The Standing Committee on Rules and Procedures believes that in light of recent changes to territorial and federal legislation returning officers should have the right to vote in territorial elections.

Recommendation 11

The Standing Committee on Rules and Procedures recommends that the Elections Act be amended to permit returning officers to vote at territorial elections.

SPECIAL MOBILE VOTING STATIONS

During the course of the election, returning officers in the electoral districts of Hay River North and Thebacha identified a number of eligible electors that were unable to go to the polls due to a medical condition and/or mobility problems.

The Chief Electoral Officer provided approval, by way of an instruction, for the returning officers to transport the ballot box used at the office of the returning officer to electors who were confined to their homes, hospital or care facility.

The Local Authorities Elections Act has a provision that allows a returning officer to establish a mobile voting station.

Recommendation 12

The Standing Committee on Rules and Procedures recommends the Elections Act be amended to allow the returning officer, with the prior approval of the Chief Electoral Officer, to establish a special mobile voting station for eligible electors residing in a hospital, health facility, senior citizen's home or confined to their home for medical or mobility reasons.

SALE OF LIQUOR ON ELECTION DAY

Section 213 of the Elections Act provides that no person may, during the hours that the polls are open on polling day, sell, give, offer or provide liquor, as defined by the Liquor Act, at a licensed premises or other public places.

The Northwest Territories and Nunavut are the only jurisdictions in Canada that require the closure of liquor outlets during voting hours on polling day.

The Office of the Chief Electoral Officer is of the opinion that closure of licensed premises during voting hours is paternalistic, outdated and that the rationale offered to establish such closures is no longer valid and recommended that Section 213 be repealed.

The Standing Committee on Rules and Procedures, while understanding the rationalization presented by the CEO, could not support the repeal of Section 213 of the *Elections Act*. Members of the Committee pointed out that even though there were no instances of complaints of persons being drunk in a polling station in the last election the potential for trouble does exist if access to alcohol is readily available.

High voter turnout indicates Elections in the Northwest Territories are still a significant event. Residents are very interested in the outcomes of elections. Members of the Standing Committee on Rules and Procedures do not believe that the banning of the sale of alcohol for 10 hours, once every four years, places any significant hardship on business owners or tourists.

Elections are important, and a time for thought of how to exercise your franchise to best benefit you and your family. Members know that alcohol can influence people's judgement and cause them to make decisions they would not make if they were sober.

The Standing Committee on Rules and Procedures does not support the Chief Electoral Officer's recommendation to allow the sale of alcohol while the polls are open.

RETURN OF CANDIDATE DEPOSITS

The Elections Act provides that the $200.00 deposit shall be returned to the elected candidate and to the candidates who receive at least 50% of the votes polled in favour of the elected candidate. Those candidates receiving less than 50% of those votes lose their deposit.

The Standing Committee on Rules and Procedures believes that the return of deposits should be tied to the filing of returns respecting election contributions and expenses in order to influence timely filing of the required return.

Recommendation 13

The Standing Committee on Rules and Procedures recommends that the Elections Act be amended to provide that candidates, who file their return respecting election contributions and expenses, within the required 60-day period, have their deposit refunded.

ELECTION FINANCING

The Standing Committee agrees with the CEO that the Elections Act fails to provide comprehensive direction with respect to election financing and reporting. There is a need for more detailed information including specific definitions need to be provided to candidates and official agents to assist them in dealing with campaign contributions and expenses.

The Chief Electoral Officer is reviewing election financing in other jurisdictions and will be providing the Standing Committee on Rules and Procedures with recommendations on election financing at a later date.

LENGTH OF ELECTORAL EVENT

A number of candidates and electors raised concerns with respect to the length of the 45-day electoral event. The candidates felt the period should be reduced but did not put forth any suggestions as to what would be a reasonable period. The returning officers have suggested that the electoral event be reduced by at least 1 week. The period of an electoral event, in other jurisdictions, ranges from a low of 21 days to a high of 45 days.

The Standing Committee on Rules and Procedures agrees that the electoral event is lengthy and should be reduced. The Committee considered a number of issues that need to be taken into account in arriving at an adequate election period. The impact of a permanent list, the time required for mail-in ballots, and supplying election material to remote communities all need to be considered.

In reviewing the Chief Electoral Officer's other recommendations relating to the electoral event, the Standing Committee believed that the initial recommendation to shorten the electoral event to 35 days could be further reduced to 28 days.

The Standing Committee on Rules and Procedures instructed the Chief Electoral Officer to develop a 28-day electoral event calendar for examination by the Committee. The Standing Committee on Rules and Procedures has reviewed the timeline for a 28-day electoral event and sees no reason that it would not be successful.

Recommendation 14

The Standing Committee on Rules and Procedures recommends that the Elections Act be amended to provide that the length of an electoral event shall be 28 days.

GENERAL AND TECHNICAL RECOMMENDATIONS

In addition to the specific recommendations the Chief Electoral Officer made in his report, he also raised a number of issues of housekeeping, technical and consequential nature that need to be addressed.

The Standing Committee on Rules and Procedures has reviewed and discussed these recommendations and recommends adoption by the Legislative Assembly.

These recommendations are as follows:

That the Elections Act be amended to provide for the establishment of a central polling place in any community with multiple electoral districts.

That the Elections Act be amended to provide that the Chief Electoral Officer may authorize the establishment of a central office or provide for the sharing of an office by two or more returning officers in a community with multiple electoral districts.

That the Elections Act be amended to provide that an alphabetical preliminary list of electors be provided, by electoral district, in any multi-electoral district community and posted in a central location within the community.

That the Elections Act be amended to provide that candidates receive a copy of the official list of electors for their electoral district.

That the Elections Act be amended to provide that elected members of the Legislative Assembly receive a copy of the final list of electors for their electoral district.

That the Elections Act be amended to clarify when a candidate may erect or post an election sign and broadcast or advertise an election announcement.

That the Elections Act be amended to provide that a candidate is prohibited from erecting, posting or placing an election campaign sign on the premises or property where a polling station is located.

That the Elections Act be amended to provide that all election campaign signage must be removed within ten days following polling day.

That the Elections Act be amended to provide mandatory access to apartment complexes by enumerators, candidates and their representatives.

That the Elections Act be amended to provide that a returning officer may, with the prior approval of the Chief Electoral Officer, appoint an additional enumerator for a polling division.

That section 38 of the Elections Act be amended to provide that a notice of a disabled elector be given to the Chief Electoral Officer.

That the Elections Act be amended by providing that the maximum number of electors contained in a polling division be no more than 450.

That paragraph 52(4)(c) of the Elections Act be amended by deleting the requirement that a candidate must indicate their occupation.

That section 57 of the Elections Act be amended to provide that a candidate may provide his or her photograph by electronic means.

That paragraphs 27(3)(d), 51(3)(c), 198(1)(c) and section 208 of the Elections Act be amended by deleting the words "the Yukon Territory" and substituting the word "territory".

That paragraph 92(2)(b) of the Elections Act with respect to advance polls is repealed.

Additional Recommendations not Included in the Report

In addition to the specific, and the general and technical recommendations, the Chief Electoral Officer provided the Standing Committee on Rules and Procedures with a number of other recommendations that were not included in the Report.

The Standing Committee on Rules and Procedures has reviewed these recommendations and concurs with the rationalization presented the Chief Electoral Officer.

These recommendations are as follows:

The Standing Committee on Rules and Procedures recommends a provision for the appointment of a Deputy Chief Electoral Officer be included in the Elections Act.

The Standing Committee on Rules and Procedures recommends that the Elections Act be amended to provide that the appointment of a returning officer expires 365 days following polling day.

The Standing Committee on Rules and Procedures recommends that the Chief Electoral Officer have the option of re-appointing a returning officer.

The Standing Committee on Rules and Procedures recommends that the preliminary list of electors no longer be posted in a public place.

The Standing Committee on Rules and Procedures recommends that mail-in-ballots be available upon issue of the writ; and further, that a mail-in-ballot may be received up to one week following polling day provided the envelope is postmarked on or before polling day.

The Standing Committee on Rules and Procedures recommends that candidate returns no longer be tabled in the Legislative Assembly and instead be available for public inspection at the Office of the Chief Electoral Officer.

The Standing Committee on Rules and Procedures recommends that an elector may decline to vote and have that refusal recorded on the ballot and in the poll book opposite their name.

The Standing Committee on Rules and Procedures recommends that an elector must either swear or affirm their eligibility to vote as opposed to simply producing identification.

The Standing Committee on Rules and Procedures recommends that an elector may vote in the polling division in which they are resident on polling day, notwithstanding that their name appears on another list of electors. And further, that the elector will be required to complete and take an oath of eligibility and provide their former address.

The Standing Committee on Rules and Procedures recommends that an elector must be ordinarily resident in the Northwest Territories at least 6 months prior to polling day.

The Standing Committee on Rules and Procedures recommends that section 51(3)(a) of the Elections Act be repealed along with all references to exceptions to ineligibility.

The Standing Committee on Rules and Procedures recommends that only the poll clerk shall witness the Deputy Returning Officer when providing assistance to an elector in marking their ballot.

The Standing Committee on Rules and Procedures recommends that special voting opportunity is changed to "Special Ballot" and that new regulation covering the use of "Special Ballots" is developed.

The Standing Committee on Rules and Procedures recommends that an eligible elector, who is incarcerated, shall vote by special ballot. Polls will no longer be conducted at correctional facilities.

The Standing Committee on Rules and Procedures recommends that in the case of a by-election, an eligible elector must be resident in the electoral district from enumeration day, or a day determined by the Chief Electoral Officer, until polling day.

APPENDIX 1

Written Submissions

orthwest Territories Legislative Assembly
Member for Great Slave

3 October, 2001

Mr. Brendan Bell
Chairman
Standing Committee on Rules, Procedures and Privileges

Report of the Chief Electoral Officer

Thank you for the opportunity to comment on the Chief Electoral Officer's Report. I would first like to acknowledge the professionalism of our CEO, David Hamilton and his staff. I believe the report thoroughly covers the election process and how we might modernize our electoral system.

There are several sections on which I would specifically comment. With regard to eligibility of electors, there are instances in which a resident leaves the NWT for extended periods of time. While education may be the main one, there are a variety of other areas which require an NWT resident to spend extended periods of time in the south. How would a medical doctor doing a three year residency in a southern hospital be dealt with? There may be specific areas of expertise or skill which might only be acquired through extended living in the south. The "length of time for which an elector may claim a temporary absence" is an issue which merits consideration.

The recommendations for reductions in the length of the nomination period and the length of the electoral event should be accepted.

With regard to Election Financing, I agree that the Chief Electoral Officer should undertake a comprehensive review and report back to the Legislative Assembly. However, any such changes must be made sufficiently in advance of the next election, should they be implemented for it.

I urge the Committee to initiate the re-enactment of an Electoral Boundaries Commission Act, and provide the Assembly with a revision of the Plebiscite Act, and further look at referendum legislation.

Bill Braden
MLA Great Slave

STEPHEN KAKFV

October 5, 2001

DAVE INCH
COMMITTEE CLERK
STANDING COMMITTEE ON RULES, PROCEDURES AND PRIVILEGES

Dear Mr. Inch:

I wanted to raise issue before the committee and comment on a number of the recommendations made by the CEO in his report of June 6, 2000. In brief, they are as follows:

1. ELIGIBILITY OF ELECTORS:

Recommendation: That the Elections Act *be amended to prescribe the purpose and the length of time for which an elector may claim a temporary absence from his or her electoral district.*

While it might be advantageous from an administrative standpoint to reduce to a formula the length and purpose of temporary absence from an elector's ordinary residence, i would not be practical or, in some cases, fair to do so. I am advised there is a whole body of case law on this subject including a very good NWT Supreme court decision. In the case of *Fells* v. *Spence,* [1983] N.W.T.R. 123 case (which dealt with residency fo the purpose of running for office) the court reviewed the indicators of ordinary residence and domicile to guide returning officers.

The consequences of disenfranchising an elector by formula may include a person's being banned not only from voting in an upcoming election, but also having to reestablish residency in the future by living in the NWT for a full year in order to qualif as a voter or to run for office in subsequent elections. That year might not begin immediately if the person's temporary absence continues after disenfranchisement. Fo people with unusual but unavoidable employment, medical or scholastic absence outside "the formula", this could be a significant hardship and deprive the NWT of the votes and the public service of some valuable constituents.

2. MEMBERS, SPOUSES AND DEPENDANTS

Recommendation: That section 32 of the Elections Act *be repealed.*

If s. 32 of the Act were repealed, incumbents and their families would no longer be free to choose where they want their residency to be for electoral purposes. The chief Electoral Officer says this option gives the current sitting members an advantage over other candidates and electors. Sitting members and families make considerable sacrifices, often relocating to Yellowknife, the seat of government and being absent from their home communities for years. To remove from them the right to vote in their home communities would be both unnecessary and unfair. In moving to the capital they are, in effect, only temporarily absent from their ordinary place of residence because they or members of their families are MLAs. If the issue for the returning officer is to prevent candidates from running for offices in ridings where they have little or no connection, this does not seem to be a productive way to achieve that objective. Furthermore, it could be argued that candidates with little or no community connection do not necessarily have an advantage over other candidates. Their community support should be dealt with in the appropriate way by the electorate at the ballot box.

3. ADVANCE POLLS

Recommendations:

That advance polls no longer be held in communities where the returning office is located.

That the Elections Act *be amended to provide that advance polls beheld between the hours of 12:00 noon and 8:00 p.m.*

If advance polls are to be eliminated where there is a returning officer, I believe there must be advance polls in all other communities regardless of size. In the last election for example, there was no advance poll in the community of Colville Lake where many are out on the land engaged in traditional pursuits and, therefore, require the option of an advance poll.

4. SALE OF LIQUOR ON ELECTION DAY

Recommendation: That section 213 of the Elections Act *respecting the closure of licensed premises during the hours of voting on polling day be repealed.*

I believe it would be unwise at this time to repeal s. 213 of the *Elections Act*. I make reference to the evidence heard in our Supreme Court in the case of *Mary Elle Beamish et al* v. *The Chief Electoral Officer* S.C.N.W.T. (Fort Smith), CV 06113, March 22, 1997. In that case there was evidence of free breakfasts and rides to the polling stations were offered and apparently given by the supporters of a candidate on electio

day in that case. While nobody can say whether free drinks and rides to the polling stations would have been offered had the taverns been open, the possibility is no remote. I do not think that it is paternalistic to continue this modest restriction to help ensure that the maximum number of votes possible are cast by clear-minded electors in their most serious act of participation in our democratic processes.

5. LENGTH OF ELECTORAL EVENT

Recommendation: That the length of an electoral event be reduced from 45 to 35 days.

I strongly support the recommended reduction of the election event period from 45 to 35 days.

These are my comments with respect to Mr. Hamilton's thoughtful recommendations which form the conclusion to his thorough and well-written report. I hope they are useful to the committee.

Sincerely,

Stephen Kakfwi

APPENDIX 2

Transcripts

Northwest Territories Legislative Assembly

Standing Committee on Rules and Procedures

Public Review of the Chief Electoral Officer's Report
October 9, 2001

Public Review

Standing Committee on Rules and Procedures

Chairman

Mr. Brendan Bell, MLA for Yellowknife South

Members

Mr. Charles Dent
MLA for Frame Lake

Honourable Joe Handley
MLA for Weledeh

Mr. Paul Delorey
MLA for Hay River North

Mr. Michael Miltenberger
MLA for Thebacha

Witnesses

Mr. David Hamilton, Chief Electoral Officer

Mr. Glen McLean, Deputy Chief Electoral Officer

Legislative Assembly Staff

Mr. Dave Inch, Clerk of Committees

Mr. Robert Collinson, Committee Researcher

STANDING COMMITTEE ON RULES AND PROCEDURES

Public Review of the Chief Electoral Officer's Report

October 9, 2001

CHAIRMAN (Mr. Bell): Alright, we will call the meeting of the Standing Committee on Rules and Procedures to order for Tuesday, October 9th. Mr. Delorey, can I call on you to say a prayer this morning?

MR. DELOREY: God our Father, thank you for bringing us together today. Give us guidance and wisdom as we deal with the matters of the people of the Northwest Territories. Help us to make us better for the people that we represent and look after our loved ones at home and all those travelling. Amen.

CHAIRMAN (Mr. Bell): After taking a quick look at the agenda can we agree that it is adopted?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bell): For the record I should also indicate that committee Members Mr. Delorey, Mr. Handley, Mr. Dent and myself, Brendan Bell, are present. Mr. Krutko will join us, Mr. Krutko has joined us.

The first item on the agenda today is the Public Review of the Report of the Chief Electoral Officer entitled, "Modernizing Our Electoral System." I believe Mr. McLean and Mr. Hamilton are here to present. Please do so.

MR. HAMILTON: Thank you, Mr. Chairman, for providing me with the opportunity to publicly address the standing committee with respect to my report on the administration of the 1999 General Election and Related Amendments. As you indicated, I have with me Mr. Glen McLean who is the Deputy Chief Electoral Officer for the Northwest Territories and who will be assisting the committee, as well as myself, today.

The 1999 General Election was an important step in the evolution of the electoral system in the Northwest Territories. It was the first election that was completely conducted by a resident chief electoral officer and funded by the Government of the Northwest Territories through its budgeting process. Electors were given the opportunity to exercise their guaranteed franchise at the general election by voting with two new opportunities. Those being, voting in the office of the returning officer or by mail. These, in addition to voting at advance poll, by proxy or on polling day.

The report, as you know, Mr. Chairman, contains a number of recommendations ranging from reducing the period of the electoral event to the withdrawal of proxy

voting. The recommendations in this report are meant to address problem areas or to improve the election process overall. The report is also meant to invoke discussion, not only by those who experienced the electoral process first hand, but among the general electorate who should ultimately benefit for many improvements.

I am pleased that the standing committee provided a number of opportunities to the public and sitting Members to make comments on the conduct of the 1999 General Election. I am also please, Mr. Chairman, to report that the first election in the Northwest Territories following division went reasonably well with very few problems or crises that disrupted the flow of the electoral process.

As Chief Electoral Officer, I received and reviewed 11 written complaints and authorized that two complaints be investigated and reported upon. I received the written reports from our investigators and after further review determined that there was insufficient evidence to proceed. Therefore, both these files have been closed.

Mr. Chairman, a total of 19,694 electors appeared on the official list of electors used at the poles. This number does not include the 1,183 electors from the electoral district of Hay River South. As Members are all aware, this was, a Member was elected by acclamation. The final reported number of electors who chose to vote was 13,385 or 70.5 percent of the eligible electors. As a note of interest, participation by electors in the Northwest Territories has remained relatively constant and, Mr. Chairman, I am of the view that this speaks to the interest of the electorate in the democratic process in the Northwest Territories and to the well-established and highly regarded voting system.

Voting in the Office of the Returning Officer was well received by the electorate and to that end I am recommending that this voting opportunity be expanded and replace the holding of the advance pole in the community in which the returning officer is located.

Voting by special mail-in ballot was relatively successful and its continued use is recommended. However, I plan to revisit this voting opportunity and broaden its availability and use. I would be pleased to make a presentation on this later in the meeting if the committee wishes.

Mr. Chairman, Members of the committee, electing individuals from all walks of life has become an accepted method for choosing leaders to govern over institutions that are numerous across the Northwest Territories. Sharing the limited resources have become important and you will have noted that I am recommending the development of a register of electors that could be used by Aboriginal governments, municipalities and any body in a community or communities when an election is being held. This could also apply to the conduct of plebiscites, referendum and ratification votes. The Office of the Chief Electoral Officer has been giving advice to the Government of the Northwest Territories

with the development of electoral issues in relation to self-government negotiations.

Mr. Chairman, the Office of the Chief Electoral Officer as an independent agency is in a position to provide a service to anybody that wishes to use the democratic process to conduct an election. I am of the view that this role could be expanded and offered as assistance to municipalities, Aboriginal governments and even education authorities.

Mr. Chairman, when I briefed the standing committee in April I had the opportunity to present to the committee a number of recommendations with respect to additional voting opportunities. My office has reviewed our proposals on voting by special ballot and voting at a special mobile poll. We have also prepared a couple of presentations if the Members wish to receive that also today, as well. In addition, my office has also prepared a presentation on the recommendation to reduce the length of the campaign period. I am proposing, Mr. Chairman, a 28-day electoral event and I am prepared to demonstrate to the committee the various activities that take place during the election period. I would be pleased, Mr. Chairman, to take the committee through that as well.

Mr. Chairman, I also spoke to the matter of establishing a register of electors for the Northwest Territories to replace our existing capital system and, if possible, provide a permanent electoral database in order to reduce or eliminate the need for enumerations in advance of each general election. I am pleased to advise that as Chief Electoral Officer I have received approval of the Chief Electoral Officer from Alberta to modify Elections Alberta's registered system called ARES, Alberta Register of Elector System, to replace our present capital system that we have used for the last two elections. The system, Mr. Chairman, can be used as a permanent record of elector data or as a system to develop a list of electors as required at each election. We reference our system as the Register of Territorial Electors or ROTE.

If we chose to use the register as a permanent record of elector information we could reduce or eliminate the need for territorial-wide enumerations. Elector data could be updated by receiving information from a variety of sources, including Elections Canada, Government of the Northwest Territories departments and agencies and municipal and Aboriginal governments.

We, of course, concede that legislative authority would be needed to allow for the sharing of personal information. Presently, the Elections Act provides authority to the Chief Electoral Officer to exchange electoral information with the Chief Electoral Officer of Canada.

Additionally, Mr. Chairman, the permanent elector data could also be updated by conducting confirmations in electoral districts deemed by the Chief Electoral Officer as having experience and increase or decrease in electoral population. The confirmation of electors would be conducted to confirm that the data in the

register for a specific electoral district is correct. At the same time information would also be collected from eligible electors who were not previously in the database for that electoral district.

Should we chose to use the register as a temporary database elector information would be gathered through the present enumeration process. The data collected would be entered into the registered and lists of electors would be generated as required for the general or a by-election. The data in the register would be purged prior to the next election and replaced with new data collected through the enumeration process.

We have, Mr. Chairman, as I indicated, a presentation on the proposal for a register of territorial electors and we would be pleased to go through that with the committee. I note, Mr. Chairman, which your committee will be reporting, that your committee will be reporting on this review at the fall Session and I expect there will be a number of amendments required to the Elections Act. As you are aware, this legislature is now two years into its term and the timing for the calling of the general election for the 15th Legislative Assembly may be made to permit a fall general election in 2003. If this is to be the timing then it will be important that any amendments to the Elections Act be introduced and passed by the spring of 2002, but no later than the fall of 2002. This timing would allow for an information campaign to advise the electorate of the changes that are made to the electoral process.

In closing, Mr. Chairman, I believe that the amendments being proposed will enhance the effectiveness of the Elections Act and will provide to the electorate a greater sense of ownership in the electoral system of the Northwest Territories. Thank you, Mr. Chairman and Members.

CHAIRMAN (Mr. Bell): Thank you, Mr. Hamilton. Before we get into any further presentations, do the committee Members have any questions on Mr. Hamilton's opening remarks? Seeing no questions then I guess, Mr. Hamilton, if you would like to proceed with the presentations that would be great.

MR. HAMILTON: Thank you, Mr. Chairman. We have, actually, four presentations we will seek direction from the committee. One we have on the proposal for a register of territorial electors, one on the 28-day calendar for the electoral event, one on voting by special ballet and one on voting by special mobile poll. These are proposals that would revamp the system if the committee wish to, obviously, accept these as recommendations and would then recommend them forwarded to the Assembly. So, if you wish, we can go through quickly as many as you wish, Mr. Chairman. That will help the committee to focus and we would be pleased to answer questions as we go through it.

CHAIRMAN (Mr. Bell): Okay, is committee agreed that we will go through all four presentations?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bell): Thank you.

MR. HAMILTON: Thank you, Mr. Chairman. The first one that we would like to take the committee through would be the proposal for the Register of Territorial Electors or ROTE, as I said earlier. Presently the Elections Northwest Territories is using Elections Canada's, what is called Election Canada's Capital System to create its preliminary list of electors, its consolidated statement of changes and additions, official list of electors and the final list of electors. The Capital is no longer available to us without having to revamp the whole system. The Capital was not Y2K compliant and also it is not, it was not versatile enough for our use. So, Elections Canada have discontinued using it, so we, therefore, do need to require to do start looking at a new system for the Northwest Territories.

The ROTE would require that, obviously, there are a number of reasons that you have to be eligible to get, how do you get your name on the register? So, to be eligible to elect and have your name on the register you must meet the following criteria, which are the basic requirements in our Elections Act: a Canadian citizen 18 years of age or older; resident of the Northwest Territories for 12 months prior to polling day; and not disqualified from voting.

Our proposal is how will the register be developed. The Chief Electoral Officer will undertake an initial territorial-wide enumeration of all electors in the Northwest Territories. We would still, normally this would happen in any election, but to create an accurate and on-going register, if that is the wish of the committee to recommend to the Assembly that it be an on-going register versus just election by election, we would propose to do a territorial-wide enumeration well in advance of the next territorial election. Enumeration of electors will take place over a three-week period. Normally when we do an enumeration it is usually within a week or shorter period. We are proposing, to ensure that this is an accurate register, that the first territorial-wide enumeration be covered over three weeks to ensure that we capture as many people as we can. The returning officer in each electoral district will appoint an enumerator for each polling division in that electoral district and, if necessary, a returning officer may appoint two enumerators for bi-polling division.

To enumerators, when they go around, will as the following questions of each elector contacted. They will ask them, of course, if they are a Canadian citizen 18 years of age or older, resident for 12 months prior to polling day and resident in the polling division. Those are not recorded because they are requirements to even get on the register. You need to meet all those requirements first of all, so they will not be recorded in the register. Once they have ascertained, because if you are not 18 or co not meet any of those requirements then your name is not going to appear in the register. Then you would proceed to ask the surname, the first name and initial, the civic and mailing address of the elector, the date of birth of the elector, the gender and the telephone number. So, these are the new

additions is the date of birth, gender and telephone number of the, and some Members may ask, well, why are we asking the gender? Well, it is obviously quite obvious is because we get a lot of people, for example, Terry could be either male or female. So, we have to ensure that we are asking the gender not necessarily of the individual we are asking the question, but some of the other people that may be contained within that same household.

If an elector, for example, states also that their telephone number is not listed, it is an unlisted number, then we will not ask them for, they do not have to give us their telephone number and even though your telephone number may be listed by NorthwesTel you still, if they do not wish to give us the telephone number we will not go and seek it out.

Why we are asking for the date of birth and the gender is because this will be used to verify voters who wish to vote by mail in the future under our new proposal for voting by special ballot. Then we would require that as a form of verification to ensure that we have the right person who is applying to vote by special ballot.

We could also, Mr. Chairman, as I have indicated, this is, what we are calling it is the Register of Territorial Electors. So, this is whereby it is not necessarily a register that could be always used for election to Members of the Legislative Assembly, it could be used by municipalities, Aboriginal governments, for ratification votes, for municipal votes, for other votes, as well. So, depending on if we get a legislative, what we require is a legislative base to do this then we could enter into agreements with municipalities, Aboriginal governments and we could on the territorial-wide enumeration ask for rate pay, school supporter, band member and date of residency because that is required for whatever information we get into with any agreements with other governments to enter data into the register.

In the development of the register, the provision of information with respect to gender and date of birth will be optional. As indicated, enumerators will be required to visit residents up to three times to obtain elector information from the residents. An enumerator who is unable to contact an elector or electors of a residence will leave a notice advising the residents to call the Office of the Chief Electoral Officer with their elector information and a special 1-800 number will be provided to put that information in.

The last time we did an enumeration we left cards for people who were not home at the time after the enumerators had gone back a couple of times and we asked them to send these cards in. However, of the cards that came back the majority, a lot of the cards were not filled out correctly and then also we found that we are suggesting that we not send the information in a card because then that information becomes public, people can see that card filled out and it could get in the wrong hands. So, that is why we are suggesting that we require that they phone in the information and then we can verify that that is the person that is

doing it. So, there is a bit of a privacy issue so the personal information is not floating around the Northwest Territories.

Once the information has been collected by the enumerators it will be sent to the returning officer appointed for that electoral district. The returning officer will review the enumeration register to ensure that all basic information has been recorded. The returning officer will then forward completed registers to the Office of the Chief Electoral Officer here in Yellowknife.

We find that why we are asking the returning officers to verify this is because sometimes we have enumerators that are not as diligent as they should be and may not actually go back three times. So, we do ask the enumerators when they submit the registers to ensure the date and the time that they went back to each household to ensure that they went back three times, to ensure that we attempted as far as possible to get all the information that we wanted.

Elector information as recorded by the enumerators will be data-entered into the ROTE here in the office in Yellowknife. An eligible elector whose name is entered into the database of ROTE will receive a confirmation card confirming that their name has been registered. The card will include the elector's name and address and advise in which electoral polling division they are registered.

If the decision or the recommendation and the approval of the Assembly is that this be more of a semi-permanent register then a one-time, just an electronic list of electors is what we have now is a one-time electronic list of electors that we have to do enumeration. How would you then, we would see updating the register. The register could be updated in a number of ways. There could be revisions to the register. We would add on when electors are sworn in at the polls that they would be then added to the register. Also, elector information could be received from Elections Canada, from government agencies and municipal or Aboriginal governments. It could also be done through confirmation of electors whereby there is a shift in population in one particular electoral district that would warrant, then the Chief Electoral Officer could just do a confirmation in that particular electoral district rather than doing a complete territorial-wide enumeration or confirmation because that again is, part of the element is to do away with doing territorial-wide enumerations every four years. Also, we could have a process whereby information can be provided by electors voluntarily. They could send in the information and we could have an information campaign that would allow new residents and other residents get onto the register.

Once we have the register developed and an election is pending a permanent list of electors will be produced for each electoral district by polling division and contain the electors name, address and voter number. Some of you are familiar with that, of course that is part of how Elections Canada does that. Every voter is assigned a number. Not so you can trace how that individual voted, but to ensure that there is a number that is on the register so when they come to vote that you can check a number of factors to verify that that is the actual voter that wishes to

cast their ballot, whether it be through special ballots or through voting at the Office of the Returning Officer.

The permanent list of electors will be posted in the Office of the Returning Officer or municipal office once the writ is issued. So, here you have a system whereby we would then be able to on day one or day 28, if that is the calendar that is chosen, to have a very, very, we hope, a very accurate list of eligible voters that will be posted immediately on day 28, the first, as soon as the writ is issued and then this list would then be available for people to review and to change.

CHAIRMAN (Mr. Bell): Mr. Hamilton.

MR. HAMILTON: Yes.

CHAIRMAN (Mr. Bell): Could I just stop you there for one second. Mr. Handley has a question.

HON. JOE HANDLEY: Just a question, how with this system will you capture or get the names of people who are on temporary absence, students, in some cases the whole households are gone? I do not see anything yet that would identify those people.

CHAIRMAN (Mr. Bell): Mr. Hamilton.

MR. HAMILTON: Sorry, Mr. Chairman. That would be done in a number of ways. It would be done through, if there is nobody in the household and you have a difficulty finding people, if that is the issue, that would be the issue of whereby it is over a three-week period, each enumerator would go back three times to that particular house and if there was nobody in that house then they would leave an information card and how to send in that information when they are back if they are on holiday. If we go to a house and there are people there we also ask the question, is there anybody attending an institution, a hospital or a not in the residence at this particular time, but consider this to be their residence? We would also capture it that way, as well. We also then propose that we would also have access through the Department of Education, Culture and Employment to all the students lists as we did last time. The last general election we did get a list of all the students and where they were attending school and they were contacted to get on the register.

There are always people that slip through the process, but we try every method to try and capture as many people as we can. Of course, people can still be sworn in at the polls, as well. If they are not on there, then they can still, we are not saying the register, if you are not on the register you cannot vote. You can still be sworn in at the polls and use other normal methods. Also, we could through the, there is built into the 28-day calendar a revision period as well. So that the list going up on day one or day 28 would show the list and people then, there is a revision period built into that 28 days. So there will still, the list could be added to and changed once the election campaign period has started as well.

CHAIRMAN (Mr. Bell): Thank you. Mr. Handley.

HON. JOE HANDLEY: Not a further question, just a comment. I think we do have a higher incidence of situations where people just give up their apartment and move away to go to school or to do something else temporarily than you typically find in a Province where they have a full range of university services and so on. I do not know how you capture all of those names. I suppose through the department might be one way of doing it. At least those are on education leave. People that are travelling.

CHAIRMAN (Mr. Bell): Mr. Hamilton.

MR. HAMILTON: We did get the complete list and sent out, I cannot remember how many information packages we sent out to every student that was registered with Education, Culture and Employment, that was one way of doing it. But if an individual no longer maintains a permanent residence in the Northwest Territories then they would possibly a chance for them slipping between the cracks. If they give up their residence and they are not living with their parents or things then there would be a problem.

CHAIRMAN (Mr. Bell): Thank you. Mr. Hamilton, have we had or do we have any difficulty getting that information from Education, Culture and Employment and sending out notification to students at school that there will be an election?

MR. HAMILTON: Thank you, Mr. Chairman. Yes, we did have a bit of a problem with the department two years ago trying to get the list of students. We did eventually get it, but it was very close to the wire and, of course, it was not a very accurate list, we found, because we had a lot of information was, a lot of the mail-outs were returned to us. So, we would, with this ability to legislate to make that permanent register probably require that we have the legislative authority to, for the Department of Education, Culture and Employment to release the information for electoral purposes only because they are concerned that this information, the students who are receiving student financial assistance that this may jeopardize the student's privacy aspect. So, we would need a legislative base to ensure that they give us that list is provided. It is quite clear that it is only for electoral purposes. This whole list will need to be protected by legislation and for any use of this list by anything else other than authorized by agreement or authorized by the Chief Electoral Officer then there will be penalties in the act for anybody abusing or using this list for anything other than electoral purposes.

CHAIRMAN (Mr. Bell): Okay. Is there anything we can do to ensure the accuracy of the information provided by Education, Culture and Employment or do we sort of have to wait until we start to get forms back from students to realize the mailing addresses were not accurate?

MR. HAMILTON: Well, I would hope that the department would have accurate information because they are the ones that need to contact the students all the

time. I understand the system has improved greatly since two years ago, so we will then, hopefully be able to test it in another year and a half's time. Another issue that is a problem is when do you do a territorial-wide enumeration in the Northwest Territories to try and lower the instance of absentee because if you do one in the summer you have a bit of a problem because a lot of people are either on holiday or out on the land or are not in town. So, the timing of the initial territorial-wide enumeration if the register is to go ahead will be crucial. So that we ensure that all the schools are all back and we do not do it over the summer months when a lot of people are not on holiday or are not available to, then we do miss a number of people. So, the timing of when we do it will be important.

CHAIRMAN (Mr. Bell): Okay. Thank you. Please carry on, Mr. Hamilton.

MR. HAMILTON: The Returning Officer's list of electors will be produced (inaudible) by polling division and contain the elector's name, address, date of birth, gender, telephone number and voter number. This list, Mr. Chairman, will be confidential and used only for the purposes intended. As I said a few minutes ago, it will be important that this list is quite cleared in legislation. The uses that this list can be will be made used for and that there will be strong penalties for abuse or misuse of voter information. Certainly, Mr. Chairman, we will not be posting the list on the website because that is one, obviously, area that caused a lot of consternation in this election year in Yellowknife because we did share our enumeration list, our general election list, with the city just to avoid them doing a city-wide enumeration last time around. Of course, those who may remember, they went and posted the list on the website. Therefore, you have a complete list of any elector that any company could pull off and send information to. So, there would need to be quite stringent legislation to protect that list and what you can and cannot do with it.

The returning officer will use this confidential list for voting by special ballot only. The list will not be posted. This is the list with the information that I just indicated earlier. No person other than the returning officer and assistant returning officer shall view this list and the list will be returned to the Office of the Chief Electoral Officer for disposal at the end of the electoral event.

A (inaudible) list of electors will be produced for (inaudible) by polling division and contained. So, every candidate who is running in the next territorial election will receive a list of electors containing the person's name, address, telephone number and voter number. This list will be right at the tying the candidate files his or her nomination papers.

Also, it is our intention to, because of the system we are using in adapting Alberta's system, this is a very user friendly system. So, there will not be the problems that some candidates had in the last general election who could not even open the file of the list that we provided to candidates in the disk. So, this system is an up-to-date system and is very user friendly. So, the candidates will be able to open this file, at least.

Following, as I indicated to Mr. Handley, there will be a revision built into the calendar so that we have the list and people can have their names added or removed to the list by applying to the returning officer. Once the revision is completed that will then produce the official list of electors and this will be produced by electoral district again and by polling division and contain again the same information. All the voters name, address and voter number. All candidates will receive a copy of the official list of electors both in hard copy and on disk.

This a marked improvement from the last system used at Capital because all it would do is, it was not very versatile and all it would do when someone was removed from the list is it would just strike a line through their name and their name would still be on the list that we provided to candidates. This upset some people because that is sometimes where people that had passed away and some people did not like to see these people's name on the list. So, this new system will remove their name completely from the list so there will be no confusion over who should not be on the list, Mr. Chairman.

At the end of, once the election is all over a final list of electors will be produced by electoral district, by polling division for the Chief Electoral Officer and contain the elector's name, address, voter number, date of birth, gender and telephone number. This will be produced using the information that for people who were sworn in at the polls and any other information that we had been able to find since we did the revision. Once all that is put together a final list of electors will be produced by the polling division for each Member, and will be provided to each Member of the Member elected to the Legislative Assembly for their respective electoral districts and contain the electors name, address, telephone number and voter number. So, once the final list is being produced it will be given to every successful candidate in the next election.

Once again I would stress that any other information that we have produced would be specific to a municipality or an Aboriginal government or any other vote that would not be provided to the elected Member of the Assembly. That is information that would be kept confidential and only given out or used in any other event that we came under agreement with a municipality. For example, the run. It will be important that the Election Act provide penalties to be applied against any person who uses a list of electors produced by the Chief Electoral Officer for any purpose other than for election purposes. I would indicate that is extremely important the legislative base for this register and the penalties for using this information.

To assist the committee in what would be the cost comparisons of doing a register of electors versus a database as is what we have been using for the last two elections, there would be a one-time cost to establish a register estimated at about $75,000. We do need to replace, as I indicated, the present system that we have now. It is useless and it would need to be replaced, so there would still be a comparable cost of about $75,000 to produce an electronic voters list. There would be, obviously, a one-time enumeration cost to establish the register and

we are estimating that at about $78,000 because that is we have expended it for three weeks and we have asked enumerators to go around three times, so we want to make sure that it is a little bit more costly than if we did a normal enumeration for an election would roughly cost about $63,000. So, there would be an increase because we are expanding the time to ensure that we get the right number. With the register of electors we are estimating that there would be repeat costs of about $14,000. This $14,000 would be if there was going to be a change in an electoral district and that would allow the Chief Electoral Officer to do an electoral district, by electoral district confirmation. That would be a repeated cost that would be done throughout the four year cycle of an election. We are estimating that the on-going maintenance of the register is estimated at about $5,000.

So, Mr. Chairman, that is the propos l for the establishment of a Register of Territorial Electors. Once, I think, the system is completely functional returning officers will have access. We are proposing that they have access for, returning officers have access through modems or through telephones or whatever facility to access the list, provide us information and also establish a communication network between Yellowknife. Because right now Yellowknife is where the Chief Electoral Officer's office is and we find that a lot of returning officers feel isolated through being in some of the communities and communication is all either by phone or by fax. So, we propose that, certainly in Yellowknife and any of the other communities that have the capability to be hooked up through a secure system, that our company that we have engaged are working with to develop our system will allow us to have a secure system whereby returning officers could pass us information electronically. We could establish message boards with our returning officers and also the system would allow us also for returning officers to submit to their enumerators statements for payment on line and therefore be able to produce them and turn them around a lot quicker than we have been doing in the past.

We envision that if the system is implemented and the authority is given to implement it that certainly for the next election Yellowknife, plus all the other communities that have the capability of being hooked up to a secure line, will be hooked up and that we hope by the election in 2007 all our returning officers and all communities will be hooked up electronically with the Chief Electoral Officer's office here in Yellowknife. That is the presentation, Mr. Chairman, on the register.

CHAIRMAN (Mr. Bell): Thank you, Mr. Hamilton. I do have a question. Mr. Krutko.

MR. KRUTKO: Yeah, I would just like to know if you have taken the idea that with what has happened in the committee established in the Legislative Assembly looking at the Sunset Clause there may be some overlap here between what you are trying to do with the establishing a new system of registry and also what effect it will have on the Elections Act and I think another area that is probably going to be, you will probably be looking at is the whole area of

election boundaries and districts. So, have you looked at the possible overlap or implications of what you are doing here and also what is happening with the committee that has been established to look at the Sunset Clause?

CHAIRMAN (Mr. Bell): Mr. Hamilton.

MR. HAMILTON: No, Mr. Chairman, I guess as the Chief Electoral Officer I am assuming that there will be another general election and that we certainly, if we were to sit back and actually do absolutely nothing thinking that the Sunset Clause was to remain in place and that there would be no election in 2003 or 2004 then that would be a bit irresponsible of my office not to carry through to be ready for the next general election. So, there has been no discussions certainly with my office and the special committee in regard to the Sunset Clause because we were moving ahead assuming that there will be another election in the Northwest Territories. We have had no discussion, Mr. Chairman, on the other topic, on the electoral boundaries because any changes to the electoral boundaries would require the development of legislation because there is no legislation in place in the Northwest Territories to establish a boundaries commission. So, we have had no indication of whether there would be any legislation in that area at all.

CHAIRMAN (Mr. Bell): Thank you, Mr. Hamilton. Mr. Krutko.

MR. KRUTKO: Yeah, the reason I mentioned is there an overlap is because there are a few ideas you have here in your presentation, especially looking at going out and trying to do an enumeration of having a baseline data that you know is updated, it is solid, it is information that you are compiling through your presentation is the basis for them to determine exactly how many more seats are going to be needed, do you need to change the boundaries of different electoral districts and whatnot. So, I am thinking because of that, through your presentation I see there is some overlaps of what you are trying to do and also exactly what the outcome of the Sunset Clause or the committee that is looking at it has to look at those same elements to determine do we need more seats, do we need to restructure the boundaries because of the way the Elections Act reads today. So, there is that overlap. So, I am just wondering because I think if anything what I see put in here which has to take place where you are suggesting 2002 should be done anyhow before you have an election so you know exactly what the population base of the different electoral districts is and is there a need to possibly expand the number of seats in the legislature or, in some cases, change those boundary lines of the different electoral districts. With that, I am wondering exactly because of what you are, what you have recommended and also exactly that collecting that information is vital to determining exactly how many districts are going to be there and exactly the size of the electoral regions or districts that are going to be in place after. Is there going to be 19 seats or are there going to be more seats or less?

CHAIRMAN (Mr. Bell): Thank you. Mr. Hamilton, Mr. Krutko has indicated that much of this work should be under way regardless, but do you see an overlap here?

MR. HAMILTON: Mr. Chairman, what the overlap may be is the fact is that the information gathered through a territorial list of territorial register would only provide the eligible voters for an electoral district. It does not provide the population. The population determines the size of an electoral district for representation. So, we, the census, I think one key will be the census. Once the census comes out, which I think is due out later this year or is it early next year, I am not quite sure when the census is due out, that will create, that will be an indicator if some of the existing 19 electoral districts have increased in size, in population. Because that is what determines the size of the electoral districts under the Charter and all the other decisions that are made and when a boundaries commission goes round. So, that will be one indicator, certainly. But from the election, we only look at the number of eligible voters in a particular electoral district and the only thing that we would require the information for is to the size of the polling divisions. We have a limitation in the Act already that says the size of a polling division within the electoral district. Certainly the register would then, would allow us probably to realign a polling division so that we do not have a large number polling division with, say, 600 in it, which we cannot have, and one that only has 140 in it. So, we would redefine the polling divisions once we did the territorial enumeration and produced the register. So, in some ways the Member is correct, Mr. Chairman, that there is a bit of an overlap, but our side of it really deals with the eligible voters. The size of the population determines the electoral districts and that information will come through a different process.

CHAIRMAN (Mr. Bell): Thank you, Mr. Hamilton. I have Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. I think that, I find some of the suggestions here quite intriguing. I am just wondering, when Mr. Hamilton talks about the on-going costs for maintenance, would there be any thought given to on an annual basis maybe picking two or three constituencies and doing actual enumerations? Because, I just, you know, if we are not actually checking once in a while there could be a chance that when you get to the election you are going to have tremendous amount of work through the revision process.

CHAIRMAN (Mr. Bell): Thank you. Mr. Hamilton.

MR. HAMILTON: Mr. Chairman, it would depend on the legislative authority because there are ways of updating the list. If it becomes a more permanent voters list it could be done as it is done in Canada right now is whereby it is done through your income tax return so that when you file your income tax return you fill out that section on your return if you want to be added to the Canada's election list. So, we could do, we share that information, we could enter into an agreement with Canada to provide us that information. So, an on-going review

could take place through that. It could also be through the issuance of driver's licences. Right now our own government, the Government of the Northwest Territories has agreements with Vital Statistics, with Health and Social Services and with the Department of Transportation to provide information that becomes available for electoral purposes. It is all done by legislative base, in federal legislation and through written agreements, signed agreements, that allows the sharing of that information. So we could also, if we had the legislative base enter into those agreements with our own government to update information when new people come into the territories, when driver's licences are issued. So, that is another way of regularly updating it. The Member is correct though that we could, the Chief Electoral Officer feels if there is, if one list, the initial list produced is not as accurate as it could be that he could order, conduct a revision or a confirmation in a particular electoral district.

So, there are ways of keeping it up to date. It just depends on what you wish this list to be. Also, through municipal elections, as well, the list could be shared and updated with, when a municipal election is held so that we have various lists that could be produced depending on the type of event that is being conducted.

CHAIRMAN (Mr. Bell): Thank you, Mr. Hamilton. Mr. Dent.

MR. DENT: Thanks, Mr. Chairman. Well I think a number of the methods that have been enumerated by Mr. Hamilton would make a lot of sense, but I guess my concern is that we do not get to assist him where we rely totally on other methods and never go out and knock on doors to actually physically confirm that we have an accurate list. So, what I was looking for was some kind of mechanism that would trigger the situation where we would actually go out and have a physical enumeration at some point after setting up this permanent list. Does that happen or would that happen with this proposed?

CHAIRMAN (Mr. Bell): Mr. Hamilton, in non-election years.

MR. HAMILTON: Yes, Mr. Chairman. The legislation could be drafted that would permit the Chief Electoral Officer, if he feels for certain reasons that there needs to be an update, could order and have a particular confirmation or in any electoral district if he wishes.

CHAIRMAN (Mr. Bell): Thank you. Mr. Dent.

MR. DENT: Thanks, Mr. Chairman. Mr. Hamilton has enumerated a number of circumstances where people could get added to the list. What about deletions? People often leave the territories and you do not know until five years later that they are not renewing their driver's licence. They may never cancel their health insurance. How do we make sure that we are not keeping people on the list long past when they should be on it?

CHAIRMAN (Mr. Bell): Mr. Hamilton.

MR. HAMILTON: Yes, Mr. Chairman, that would, the way the Member is indicating is that it sounds like there may be the creation of more of a permanent list than a sort of a rather than a semi-permanent list. But I am not sure how it is done in other jurisdictions at this time. Whether people are taken off the list. Because when people maybe apply to get on a list they are certainly not going to apply to come off a list because that is the last thing that people think about doing is when they leave the territories to say I am coming off the list. The Member is correct, it could be done through when they do not renew their licences, but that would be five years or they come off the health care list, for example, and they go onto another health care list. That would be one way of doing it. The only way I think that comes to mind would be to do a confirmation in a particular electoral district if we felt that there was a large population shift or a lot of movement. Some parts of the territories, they stay very steady and in other parts there is a very large transient population. It just depends on which part of the territories. The safest way, of course, would be to do a confirmation.

CHAIRMAN (Mr. Bell): Thank you, Mr. Hamilton. Are there any, that you are aware of, any reciprocal arrangements between provinces whereby when you get added to an electoral list in Alberta they ask the question as to which list you were last on and they could somehow share that information with us? Do provinces do that, do you know?

Mr. McLean.

MR. MCLEAN: Thank you, Mr. Chairman. I understand that a number of provinces have agreements with the Chief Electoral Officer of Canada just to exchange information. I do not believe there are any jurisdictions that actually have access, direct access, to another jurisdictions list of electors. So, it would be strictly administrative exchange of information and not necessarily having a list in hand. So, if they have somebody, if Canada adds an elector to a list in Alberta under their system, they will advise Alberta that this elector has been added to their list, have they been now added to the Alberta list.

CHAIRMAN (Mr. Bell): Okay, and would it be possible for Canada to also advise us that they have been added to the Alberta list and so, therefore, should be taken off of ours so that they are not on two lists?

MR. HAMILTON: I think, Mr. Chairman, that is, I think there are a lot of privacy issues regarding how far you share information of this type. I know Canada has very heavily relied on their Access to Information and Protection of Privacy Act as well and, of course, we have one of those in the territories and so does all the provinces. So, I think there are certainly limitations on the sharing of information and it either has to be through a legislative base and then through any agreements. But I understand it is mostly the sharing of lists between provinces and territories with Canada and then Canada shares some of that information only for the jurisdiction that, the movement issue is not dealt with between Canada and provinces.

CHAIRMAN (Mr. Bell): Okay. Thank you. Mr. Dent, anything further on this? Mr. Delorey.

MR. DELOREY: Thank you, Mr. Chairman. I was wondering, with this new system, how would that change the office of the, the electoral officer's office, the day to day operation? Would it be, create more work, extra bodies or is it just basically adding a new computer program?

CHAIRMAN (Mr. Bell): Mr. Hamilton.

MR. HAMILTON: Well, Mr. Chairman, the Chief Electoral Officer's office is very sleek and slim now when it comes to bodies. We did have two and a half positions, now we are down to one and half positions in the office. Depending on how far you take the register and how permanent it is going to be, then if it is just going to be a register of territorial electors that only does certain things, if you are going to go to a permanent list that you are going to keep updated, then I think it really is a computer program and information, getting information out and getting information back. I do not see a need for an increase in staff to handle the register.

CHAIRMAN (Mr. Bell): Mr. Delorey.

MR. DELOREY: Yeah, thank you. On how you would, on the enumeration end of it, you mention a three week period to do the enumeration. What time of the year do you, or what time between now and the next election would you see doing that through that enumeration period?

CHAIRMAN (Mr. Bell): Mr. Hamilton.

MR. HAMILTON: Thank you, Mr. Chairman. It would also, we would try to work backwards if the next territorial election was going to be held in the fall of 2003 then we would see doing the territorial-wide enumeration to produce the register probably sometime in February or March so that that would be the period that we would look at doing it in at the present time. It would just depend on the timing of the election. Also, if we did have the register in place and the legislative base to do it then it could be done as early as the fall of 2002.

CHAIRMAN (Mr. Bell): Thank you, Mr. Hamilton. Mr. Delorey.

MR. DELOREY: Yeah, is there any thought given to maybe doing it, I take it this would be a three week consecutive period, three consecutive weeks period. Is there any thought given to maybe splitting it up like twice a year because of the different, like, I know in the spring when all the graduates come home to go to work the summer holidays have not started yet for most people, that is probably when most people would be at home. Would there be something where you could do that at one time of the year and then maybe checking again at a different time? Would there be an advantage to that, do you think?

CHAIRMAN (Mr. Bell): Thank you. Mr. Hamilton.

MR. HAMILTON: Thank you, Mr. Chairman. We had not really given much thought to splitting it up to try and, as indicated by Minister Handley, to try and capture when is the best time. When is the best time to have an election in the Northwest Territories and we know when it is a bad time to have one, but when really is the best time to have an election to ensure there are as many voters are in town. The same thing goes to the enumeration or the territorial-wide enumeration is to figure out when is the best time to capture and I would say there is probably no really good time to ensure that we capture 100 percent, which is impossible to capture 100 percent of the eligible voters in the Northwest Territories. So, we would hopefully rely on, we would have to do it, I think it is certainly best to do it when the schools are in across the Northwest Territories. That is certainly the best time, then we know there is the majority of people are at home or not travelling anywhere, so we would hope that is probably the best time. I would therefore have to rely on the other people, like, for students because they are a big block, students are a big block of voters in the Northwest Territories and we would rely on getting that information. We would rely on the parents or guardians of students to advise us that they are out and where they are. When we do an enumeration we would rely on any other means such as Student Financial Assistance to give us a list of where students are.

So, it is certainly not a good time to do enumeration in the Northwest Territories in the fall. In September, because students, for example, in regards to students because students have just gone out and a lot of them do not know where they are staying, have not returned their addresses, have not returned all their information, so it is hard to know where students are. So, from a student point of view, September is the worst month to do it. It is probably better to do it once they have been in residence or in their accommodation and established.

CHAIRMAN (Mr. Bell): Thank you, Mr. Hamilton. Mr. Delorey.

MR. DELOREY: Thank you. You also mentioned that this list would be made available to municipalities, Aboriginal governments, whatever. Do you see this list going as far as to identifying everybody as far as are they eligible to loan and say the Dogrib or say the Deh Cho or how far would you go with that list?

CHAIRMAN (Mr. Bell): Thank you. Mr. Hamilton.

MR. HAMILTON: Thank you, Mr. Chairman. The list would, as I indicated, is a list that can be adapted depending on the type of vote that is being held. So that if we were contacted, for example, to assist with the ratification vote for the Dogrib claim or the Beaudel Claim then, based on what criteria would they want to do that vote, then we could gather that information. But that information would only be available to whichever group that were wanting the vote carried out. They would also have to, they would have to be legally bound by this list and what its use of that list is as well.

CHAIRMAN (Mr. Bell): Thank you, Mr. Hamilton. Anything further on the register of electors. Mr. Hamilton.

MR. HAMILTON: One, if I may, Mr. Chairman, also to, in further response to Mr. Delorey's question. We did have a meeting with the, we brought in, in conjunction with Municipal and Community Affairs all the municipal administrators from across the Northwest Territories and advised them that we were proposing, because some of them had read the report and suggested that we establish a list. So we received quite a lot of support from municipal administrators and interest in sharing electoral information. So, it would be a benefit to them to produce, some small municipalities and some places like that have to do enumeration every time they are having an election as well and if there was some way of capturing that information and us producing an electronic list for them, they were quite receptive to do that because it would help them with enumeration costs and also it would be a more accurate list. So, we have received quite a lot of support from the municipal administrators and the Association of Municipalities, for example, to work with us on this issue.

CHAIRMAN (Mr. Bell): Mr. Delorey, you have a follow up question?

MR. DELOREY: Just on that, would the intention be to have some kind of a charge back fee to municipalities and that to set that up?

CHAIRMAN (Mr. Bell): Mr. Hamilton.

MR. HAMILTON: Mr. Chairman, we have not gone that far to look at if there would be. Obviously a municipalities budget for enumerations and elections, they are looking at more about saving costs than costing them to do that. So, we really did not get into that aspect yet until we see how far the legislators, you, wish to go with this register.

CHAIRMAN (Mr. Bell): Okay, thank you. I believe Mr. McLean has the next presentation on the 28-Day Electoral Event cued up. So, if that is the one you want to go with next, that would be fine.

MR. HAMILTON: We do, Mr. Chairman. The one Mr. McLean, we have here is quite lengthy. So, it contains a lot of more internal information. So, we might want to go through it quite quickly rather than spend a lot of time on this one. But this one really just does show that with, we are, having looked at how long, as you all Members know, our present length of our electoral event, or campaign period is probably a nicer way of putting it, is 45 days and we did recommend in the report that it be reduced. We are now have looked at it and feel that we possibly could and without very much difficulty have a 28-day campaign period for the next territorial election, if that is the wish of the committee to recommend it.

CHAIRMAN (Mr. Bell): Sure, maybe you could take us through that and hit the high points and we will see where we go from there. Mr. McLean.

MR. MCLEAN: Thank you, Mr. Chairman. Elections NT, the 28-day Electoral Calendar. The period of all the electoral events in other jurisdictions are arranged from a low of 21 days and, in the province of Newfoundland, to the high of 45 days in Nunavut and presently in the Northwest Territories. The length of electoral event in Canada and Nova Scotia is 36 days and in British Columbia and Saskatchewan are 28 days.

The only concerns that Elections NT has with respect to the shortened period is the reduced time provided for the printing and distribution of ballots. To counter this shortened period, voting in the office of the Returning Officer will commence the 12th day before polling day instead of the 14th day. Incarcerated electors will vote by special ballot. The Chief Electoral Officer will determine if write-in ballots will be used throughout the elector event or voting by special ballot. Also, the Chief Electoral Officer provides for voting in the Returning Officer's office two consecutive Saturdays, the ninth day and the second day before polling day. Extended hours during the weekdays will also provide increased opportunity for electors to cast their ballot. These extended hours are provided to offset the loss of two days for voting in the office of the Returning Officer and the lack of the advance poll in the community in which the returning officer is located.

We are pretty confident that a 28-day event can be achieved. Of course, this presentation is made with the assumption that proposed amendments and procedural changes will be adopted.

Day 28, the large day 28 is the number of days before polling day and, of course, the bracketed one is the first day of the campaign.

The greatest issue the Returning Officer opens her office, the Returning Officer's proclamation is posted, nominations are open, prospective candidates are provided with how to complete and file a nomination paper. An information pamphlet on completing and filing nomination papers will be part of the nomination package provided to the prospective candidates. I would assume that the writs will be signed by the Commissioner and the Chief Electoral Officer at least a week before so that we have time to get the returning officers ready to go.

On day 28, as well, the preliminary list of electors is available for reviewing in the Returning Officer's office or at the municipal office. The Returning Officer appoints an ARO and revision begins.

A Returning Officer appoints a enumerator, if necessary, to conduct revision. A person has been previously identified and these persons are individuals in an electoral district that has more than one community. So, the Returning Officer must have somebody appointed in the other communities to do revision and also to accept nominations. Electors, eligible electors may apply for a special ballot from the Returning Officer. **On** day one special ballots will be available.

Our revision continues on the second day and special ballot kits are still available and this is one of the few days the Returning Officer has some free time.

On the 26th day, hopefully the Chief Electoral Officer contracts the correctional centre officials to obtain a list of eligible electors. The Returning Officer identifies persons able to act as deputy returning officers and poll clerks, interpreters and, if necessary, supervisory deputy returning officers. We ask the Returning Officer to make sure all the staff is in place even before the nominations close. Incarcerated electors will vote by special ballot instead of a special poll established at each correctional centre and we will address that if we get to voting by special ballot.

Day 28th, eligible electors who are incarcerated are added to the list of electors and the electoral district in which they reside. The Chief Electoral Officer advises the Returning Officer of any incarcerated electors added to their list. We will know whether or not an incarcerated person needs to be added to the list because we will have access to the preliminary list as produced by wrote. So, if they are on not on the list and they are eligible, then we will advise the Returning Officer to make sure that they added, that they have been added or will be added.

Day 24, nominations close at 2:00 p.m. and that is down, that is a five day period for nominations instead of the usual ten that we have presently. The Returning Officer provides elections kit and preliminary list of electors to candidates. Of course, they are given it to them as they present their nomination papers, so we do not wait until the last day. That as you come in you will get your kit.

The revision period also ends at 5:00 p.m. and candidates may withdraw up to 5:00 p.m. Right now they have until 8:00 in the evening to withdraw. Returning offices outside Yellowknife to fax candidate information to the Chief Electoral Officer.

Day 24, returning officers outside Yellowknife forward copies of part one of each of the candidate's nomination papers, deposits and any candidate photo by airfreight to the Chief Electoral Officer. Yellowknife returning officers, of course, will hand deliver it.

Day 23, this is a Saturday and the office, of course, is closed to the public, but the Returning Officer will report any changes and additions they have received or fax them at the conclusion of the revision period. The Office of the Chief Electoral Officer will confirm with each returning officer the number of changes and additions we see. This confirmation has been instituted since the number of changes sent by a returning officer in Thebacha during the 1999 election were not received and consequently a number of people were left off the list and, of course, they could not vote by proxy, they could not vote by special mail or ballot or whatever. And, of course, our office would be staffed that day just in case returning officers need to contact us.

Day 22 is a Sunday, it is closed.

Day 21 and eight days into the campaign, Returning Officer posts notice of poll and advance poll if they have enough candidates. They provide two copies to each candidate and fax a copy to the Chief Electoral Officer. The Returning Officer confirms persons identified for various election positions. The Chief Electoral Officer orders ballot papers for each electoral district holding an election.

Now, it is anticipated that ballot information will be received from the majority of the returning officers. There may be a delay in receiving ballot information from Nunakput and Mackenzie Delta, but we anticipate that they would probably be just a day or so. It should not interfere in getting our ballots printed. Special arrangements will be made with the printer to ensure that ballots are available on the date specified by the Chief Electoral Officer. They may have to work a Saturday and Sunday to get it done.

MR. HAMILTON: Of course, Mr. Chairman, if I may add to it, we are factoring in, the fact is now if the committee is going to recommend the, one of our recommendations was that photograph be optional on the ballot paper as well. That was one of our recommendations that we would do away with a photographic placard and be putting the photograph of the candidates on the ballots as well. It has added a new dimension to it. So, it will be important that when candidates file their nominations that they file along their requirements for these pictures that we put on the ballots, which is something new that we are recommending. Thank you.

CHAIRMAN (Mr. Dent): Thank you, Mr. Hamilton. Mr. McLean.

MR. MCLEAN: Thank you, Mr. Chairman. Chief Electoral Officer provides special ballots to eligible electors who are incarcerated. We have got a list of those from the correctional institute who are there and who are eligible and we will, the Chief Electoral Officer will prepare special ballot kits for each eligible incarcerated elector and forward them to the liaison officer at each institute for distribution to the inmate. Special ballot kits will be sent via airfreight to Hay River and Fort Smith and hand delivered to Yellowknife, of course. Yellowknife Correctional Centre. The next day, incarcerated electors will vote by special ballot and the correctional centres return special ballots completed by eligible incarcerated electors.

Liaison officers will supervise the completion of the ballot kits, collect the ballot kits and return them to the Office of the Chief Electoral Officer via airfreight or by hand, as the case may be from the correctional centre here in Yellowknife. Just for your information, in 1999 general election 84 incarcerated electors passed ballots.

Day 18, 11 days into the campaign, Chief Electoral Officer provides through public information announcements that eligible electors may apply to their returning officer to vote by mobile poll. The Chief Electoral Officer provides official lists of electors to returning officers for the use of the polls and for furtherance to the candidates. Now, the Chief Electoral Officer will place an advertisement in local papers to advise the electorate of the availability of voting by mobile poll. The information for the advertisement is provided by the Returning Officer who will conduct the mobile poll. Mobile polls will be at the discretion of the Returning Officer, but must be approved by the Chief Electoral Officer.

Voting by mobile poll, for the present, will be restricted to the community in which the Returning Officer is located and we go further into detail about that new voting opportunity when we present the voting by special mobile poll.

Day 17, Chief Electoral Officer receives ballots from the printer and provides to the returning officers. The Chief Electoral Officer provides completed special ballots received from the correction centres to the appropriate returning officer. The Chief Electoral Officer will airfreight the balance to the returning officers. As in previous years, ballots for Holman will be sent to the returning officer directly because of flight connections and the balance will be hand delivered to returning officers in Yellowknife.

The staff at the Office of the Chief Electoral Officer will sort the special ballot. Kits received from correctional institutes and forward them to the returning officers. Now the balance from that will be counted by the returning officers and not by, as we do right now, the Office of the Returning Officer. That is special ballots from the correctional centre.

Day 16, a Saturday, the office is closed, but the returning officers who have scheduled flights into the community on Saturday will pick up their ballots and those would be Thebacha, Nahendeh, Hay River North, Hay River South, Inuvik Boot Lake, Twin Lakes and Mackenzie Delta. We will have to have the Returning Officer of Mackenzie Delta drive into Inuvik to pick up her balance and the Returning Officer for Tu Nedhe would drive to Hay River to pick up hers. The Office of the Chief Electoral Officer would deliver the balance for the North Slave and the Deh Cho. We will probably do that by courier or hire somebody to drive out there. Of course, being Saturday, the Chief Electoral Officer's Office will be staffed.

Sunday, the 15th day, 14th day into the campaign the office is closed, but either myself or Mr. Hamilton will be available by cell phone in case any returning officer has a problem.

Day 14, the Chief Electoral Officer confirms receipts of ballots by returning officers. Returning Officer provides ballots and other election materials for

advance polls. First day eligible electors may apply to the Returning Officer to vote by mobile poll.

The Chief Electoral Officer will contact each returning officer to ensure that they have received their ballot papers. All returning officers, with the exception of Nunakput, will have their ballots by that time.

The Returning Officer provides ballots and other election materials for the advance poll. Currently, under the legislation, it is only communities with a population of 500 or more that are entitled to have an advance poll or where the returning office is located. So, under the system, if we continue that on, only in Nahendeh and Fort Liard, Deline and Fort Good Hope in Sahtu and Aklavik in Mackenzie Delta would have advance polls. If you just take the rule of 500 or more.

MR. HAMILTON: Mr. Chairman, if I just may at this point, this is one issue that the committee I know are aware of is the fact is that our proposal is that we, extending the voting in the Office of the Returning Officer there would be no advance polls in the those communities where the Returning Officer is located. So, I know there was some discussion on whether, and that would only leave, as Mr. McLean indicated, that there would only be one, two, three other electoral districts that would have an advance poll in it. So, the smaller communities would not have an advance poll unless they request one.

CHAIRMAN (Mr. Bell): Mr. McLean.

MR. MCLEAN: The first day eligible electors may apply to the Returning Officer to vote by mobile poll. Eligible electors have from the 14th day until the 10th day before polling day to apply to the Returning Officer to vote by mobile poll. Eligible electors who apply to vote by mobile poll, but who do not live in the community in which the Returning Officer is located will be offered the opportunity to vote by special ballot. Right now, we are considering that the special poll would only be held in the community in which the returning office is located.

The Returning Officer confirms that the deputy returning officers have received ballots and other election materials for the advance poll. The Returning Officer provides training to deputy returning officers and poll clerks for advance polls.

Day 12, Voting in the Office of the Returning Officer begins and we are suggesting that the office remain open a little later in the day to allow people to vote there after working. Returning Officer confirms that the deputy returning officers and poll clerks are ready to conduct the advance poll.

Day 11, the Returning Officer's office is open for extended hours for voting in the Office of the Returning Officer. Advance polls are conducted from 12:00 p.m. until 8:00 p.m. We are suggesting that we limit the number of hours for the advance poll. Usually it would open at 9:00 and end at 8:00 and we are

suggesting moving from 12:00. The advance polls held in, like I said, Aklavik, Deline, Fort Good Hope and Fort Liard. Returning officers at the close of the advance polls secure and seals the advance ballot box as pre-arranged with the Returning Officer.

CHAIRMAN (Mr. Bell): Mr. McLean, if I could stop you there for a moment. Mr. Krutko.

MR. KRUTKO: Yeah, what is the effect if, say, you drop the number down from what you are saying anything over 400 right now, say you dropped it to 300. How many more communities will you add to that list of advance polls?

CHAIRMAN (Mr. Bell): Mr. McLean.

MR. MCLEAN: Thank you, Mr. Chairman. Probably at least ten would be added to having an advance poll. So, we would have 14.

CHAIRMAN (Mr. Bell): Mr. Krutko.

MR. KRUTKO: Have you looked at those communities and exactly what the costs associated with, say, increasing the amount from what it is today to, say, 300?

CHAIRMAN (Mr. Bell): Mr. McLean.

MR. MCLEAN: Mr. Chairman, no, not, not directly. I have not looked at what the additional costs would be, but there would be an additional cost. You have to hire a deputy returning officer at $140, you have to hire a polling clerk at $120, plus the rent of the hall. So, the cost would not be that significant. It would probably, you know, $500 or $600 per.

CHAIRMAN (Mr. Bell): Mr. Krutko.

MR. KRUTKO: Yeah, the reason I ask, I mean, you look at that list out of 33 communities you are looking at, you know, five, so I am just wondering if this is a way we can assist in getting more people out to vote and whatnot. By doing that, where you have, especially right now we do have a real, the population of the north, a lot of it is motivated and do not have transient employment where a lot of people leave the communities to go and work in the oil and gas industry or the mining industry and I think that is something that has to be looked at. Also, the fall time is usually the time of year when a lot of people leave the communities to go trapping and whatnot, so, hunting and that type of activity. So, I think, that is why I am just wondering if there is a possibility of having more communities identified through that advance poll process that might be the way of doing it.

CHAIRMAN (Mr. Bell): Mr. McLean.

MR. MCLEAN: Again, Mr. Chairman, it would be up to the Legislative Assembly whether or not they would want to entertain to direct that the Chief Electoral Officer have advance polls in the communities and state the particular population threshold.

CHAIRMAN (Mr. Bell): Maybe that is something that maybe we should discuss, Mr. Krutko. Put that on our list. Please continue, Mr. McLean.

MR. MCLEAN: Thank you, Mr. Chairman. Day 11, the Returning Officer's office is open for extended hours for voting in the Office of the Returning Officer. The advance polls, we have done that already.

Day Ten, the Returning Officer's office is open for extended hours for voting in the Office of the Returning Officer. The Returning Officer collects record of the advance poll. The Returning Officer amends the official list of electors to be used at the polls on polling day. The last day eligible electors may apply to vote by mobile poll.

Day Nine and 20 days into the campaign, the Returning Officer's office is open again for extended hours. The Returning Officer is to provide advance poll information to the Chief Electoral Officer and the Returning Officer prepares ballots and election materials for polling day.

On Sunday the office is closed, but of course will be available if anything should happen.

Day 7, 22 days into the campaign, Returning Officer's office is open again for extended hours for voting. First day that a returning officer may conduct a mobile poll for person who have applied to vote by mobile poll. So, they have a Monday to Thursday of that particular week to hold their mobile poll, but only on one day, not four days. That is what we are recommending or suggesting at this present time.

Returning Officer arranges for the training of deputy returning officers and polling clerks for polling day.

CHAIRMAN (Mr. Bell): Mr. McLean, Mr. Krutko has a question.

MR. KRUTKO: Yeah, just on the mobile poll, I am wondering, is there a list of individuals or groups of individuals that we might be able to identify people that live in, say, old folks homes that, because in my riding I have one in Fort MacPherson and I have one in Aklavik where a lot of people in Aklavik consist of outside the communities and I think that those groups that usually have the most difficult time getting to the polling stations and whatnot. I am wondering, is there a possibility of, instead of having to request this, that if we can automatically put into the Elections Act that these mobile polls will be available at, use examples, Elders seniors facilities in the communities?

CHAIRMAN (Mr. Bell): Mr. McLean.

MR. MCLEAN: The mobile poll is geared to those persons who cannot get down to the polls. Those people who are confined to their homes will actually take the ballot box to the home, to the hospital if the person is there in the community and also to senior citizens complexes. But we still have not decided on a recommendation regarding having a mobile poll outside the community in which the Returning Officer is located. That means if we were, we could have one in Fort MacPherson if the Returning Officer is there, but we would not have one in Aklavik. That is what we are looking at right now, but then again, it is up to a legislative change to provide whether or not we would have it in Aklavik and Fort MacPherson. But all communities would be subject to a mobile poll. And again, it would be added expense. Those persons who identify themselves, as example, in Fort MacPherson, if the Returning Officer is in Aklavik could actually contact the Returning Officer and the Returning Officer could actually mail them out a package to allow them to vote by special mail-in ballot, if they want to do it that way.

CHAIRMAN (Mr. Bell): Okay, I think that is something we can discuss further, Mr. Krutko. I do see that we have a presentation coming up on mobile polls, so maybe we can debate it at that time. Mr. McLean.

MR. MCLEAN: Day Six, Returning Officer ships election materials to the deputy returning officers in other communities in the elector district. That is for polling day.

Day Six, the Returning Officer's office again is open for extended hours and we are suggesting probably to 6:30. The Returning Officer confirms that deputy returning officers in other communities in the electoral district have received their election materials, including ballots. Again, the Returning Officer's extended hours. Returning Officer provides training to deputy returning officers and poll clerks from other communities and that is usually done by, that will be done by phone.

Day Four, 25 days into the campaign, the Returning Officer's office is again extended hours of opening. The last day the Returning Officer may conduct a mobile poll. Training of deputy returning officers and poll clerks from other communities should be now completed.

Day Three, again the Returning Officer's office is open extended hours. The Returning Officer provides ballots and election materials to local returning officers and completes training. The Returning Officer posts list of deputy returning officers and provides a copy to each candidate.

Day Two, which is a Saturday and this is one of the Saturday's, the 9th and the 2nd day, that the returning office is open and that is for the Saturday voting. Voting in the Office of the Returning Officer closes at 2:00 p.m. Special ballots

are available from the Returning Officer until 2:00 p.m. Returning Officer advises deputy returning officers and candidates the names of electors who voted in the Office of the Returning Officer by special ballot and by mobile poll. The mobile poll information will probably given to the candidates as soon as the mobile poll is finished.

Returning Officer's office is open for extended hours. Sorry, it is closed, a Sunday. But again will be available and the Returning Officer should be contacting all their polling people to make sure that they are ready to go for the Monday and also to ensure that all the persons who have already voted by other means are taken off the list or struck off the list.

Polling day. Polls are open from 9:00 a.m. until 8:00 p.m. Returning Officer ensures all polls are open and advises the Chief Electoral Officer. Completed special ballots must be received by the Returning Officer by 8:00 p.m.

Ballots cast in the office, by special ballot and by special mobile poll are counted after the polls are closed at 8:00 p.m. That is done by the Returning Officer or the Returning Officer can appoint a deputy returning officer and poll clerk to do that. The Returning Officer provides voting results to the Office of the Chief Electoral Officer as they are received and then, of course, when everything is done the Returning Officer will seal the ballot boxes from local deputy returning officers.

Returning Officer receives sealed ballots from the other deputy returning officers, that would be the ones that are out in the communities. They would conducts their addition on the date shown by the Proclamation. Complete results of voting. Complete writ and return to the Chief Electoral Officer. Complete the candidate's copy of the return of the writ.

They would complete the Returning Officer's report. Re-seal the ballot box and send it to the Chief Electoral Officer as directed. Return all election materials and fax machine to the Chief Electoral Officer. Ensure that all accounts have been accounted for and passed on and, of course, return the phone to NorthwesTel. And that is basically in a quick nutshell what the returning officers have to do over a 28-day period and I think that it can be done. The only tight spot would be the ballots, but the printer may have to work on a Saturday and Sunday to get them done for us instead of working just a weekday. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Bell): Okay, thank you, Mr. McLean, for that presentation. Any questions from committee Members? Mr. Dent.

MR. DENT: Thanks, Mr. Chairman. I know the voting in the Office of the Returning Officer was, I think, a very good move in the last election. I found that it certainly helped a lot of people in my constituency with getting out to vote. But in the past, in order to vote at the advance poll voters had to say that they were going to be absent or tied up or there was going to be some other reason they could not vote at the main polling day. That was not the case with voting in the

Office of the Returning Officer in this last election. It was not explicitly stated, but I know that some returning officers were a little, were not quite sure about whether or not people were supposed to at least say they were going to be away or not. Is the intention here to leave it wide open so that if a person just prefers to vote in the Office of the Returning Officer that that will be allowed and they do not have to present a reason for wanting to vote in advance?

CHAIRMAN (Mr. Bell): Mr. Hamilton.

MR. HAMILTON: Mr. Chairman, that is it exactly. There was, it was a bit, to have in the Act that you think you reasonably believe that you may not be able to vote on polling day that you can go to an advance poll and vote there was a bit, you know, anybody could reasonably believe that they are not going to be there, so it is a bit of an old provision that is outdated. So, we are of the view that we want to make available an opportunity for any individual who wants to cast their ballot to be able to do it and they do not have to have, certainly voting at the Office of the Returning Officer, any restriction of why they want to do it there. It is just that that is more convenient for them and it does provide them an opportunity. It gets a little bit more, there are some restrictions when we come to voting by special ballot and voting by mobile poll, but those are circumstances that that is why we are trying to address all those that do not fall into that category. So, it is really, as the Member has indicated, wide open. If you want to the convenience of voting at the Office of the Returning Officer or voting at advance poll then you can go and vote. You do not have to think you are going to be away.

CHAIRMAN (Mr. Bell): Okay. Thank you. Mr. Dent.

MR. DENT: Thanks. Just another thing I would like to query the Chief Electoral Officer on is, the way that the voting results are returned, is it the intention that the voting results from deputy returning officers can be submitted to the, as the boxes are counted or is it going to have to be a physical hand off or how is that going to be handled? I guess I am just wondering because of the flow of information and that did not seem to be consistently handled in all constituencies last time around either. There has been some confusion about whether or not the deputies have to get the information from each polling station physically to the Returning Officer and then how that information gets transferred to the Chief Electoral Officer. So, in terms of just having a quick flow of information for the public, I am hoping that we are going to be able to see, you know, phone calls and that sort of thing. Will that be allowed? Or is that envisioned in this sort of time table that we are looking at?

CHAIRMAN (Mr. Bell): Thank you, Mr. Dent. Mr. Hamilton.

MR. HAMILTON: Mr. Chairman, I am not quite sure, is it the voting, the voting results, is the Member's concern with the results at the polling stations on polling day or the results that are tabulated by the returning officer for like voting at the Office of the Returning Officer, who would then, he or she would count sort of the

special ballots or the mobile polls. Is the results on polling day from the polling stations is the Member's concern?

CHAIRMAN (Mr. Bell): Polling day, Mr. Hamilton, I believe. Mr. Dent.

MR. DENT: That is right. I am speaking to that slight that was entitled polling day. The last bullet in there was, returning officer receives sealed ballot boxes from local deputy returning officers. So, my question is, does that mean that those sealed ballot boxes have to be turned in before the count is made public? Because, if so, that could mean considerable delay in the time. Like, for instance, if the deputy returning officer is in Fort MacPherson and the Returning Officer is in Aklavik. If you cannot get the information out until that ballot box is physically delivered there could be a problem. But even here in Yellowknife, I know that there have been a difference in approaches in the last two elections and some returning officers waited until they actually had the sealed ballot boxes in their possession before they would release the information from that constituency in terms of the count. Others, the deputy returning officers as they phoned in their reports the Returning Officer would release that information. So, I am just wondering in terms of an approach, are we going to have a consistent one that will mean a timely release of the count information or do they have to, as this bullet here would tend to indicate, wait until the sealed ballot boxes are turned in to the Returning Officer?

CHAIRMAN (Mr. Bell): Thank you. Mr. Hamilton, is there a protocol here that will be adhered to?

MR. HAMILTON: Yes, Mr. Chairman. If there has been mixed, different ways being handled by different polling stations or different deputy returning officers, we will ensure they are consistent. It sort of would be my understanding that obviously candidates have scrutineers at polling stations and they would be able to see the results and those results can be communicated to their campaign headquarters at that time. We do ask our deputy returning officers to also inform the Returning Officer very quickly first of what the results are and then the returning officers send them forward to our office and we do it, send them out publicly through our Territorial Elections Central as quickly as possible. If there is inconsistencies in it then we will ensure that, because I am sure all candidates want to know their results as quickly as they can and the indication there, I think, in the presentation, certainly, the ballot boxes are returned to the Returning Officer, sealed and returned, but that is after the count has been taken place. If it is in a polling station, if that is the one you are referring to.

CHAIRMAN (Mr. Bell): Thank you. Anything further on this? Mr. Krutko.

MR. KRUTKO: Yeah, I just noticed in your presentation you did not put where people have been, say, enumerated or they get in by acclamation where there is no load. So, you did not have a presentation where in the case last year the Member from Hay River where you did not need an election but it was listed

earlier on in the election so people knew who got, you did not need an election because there was only one candidate.

CHAIRMAN (Mr. Bell): Mr. Hamilton, to acclamations.

MR. HAMILTON: Yes, Mr. Chairman. We would not list an acclamation in there as a process because obviously that would happen now instead of being after ten days will now happen after five days into the campaign. So, once the nominations close on day five into the campaign and day 23 would be the, we would know who it was, so that would be known right after five days.

CHAIRMAN (Mr. Bell): Okay. Any further questions from committee Members? If not, I will ask you, Mr. Hamilton, if we could move into special ballot or what is the next presentation, special ballot presentation, I guess.

MR. HAMILTON: Thank you, Mr. Chairman. Mr. McLean will do the special ballot. It is not as long as the last one and will go quite quickly and then I will finish up with the special mobile poll, which is quite a short one as well.

CHAIRMAN (Mr. Bell): Okay. Thank you. Mr. McLean, when you are ready.

MR. MCLEAN: I just need to get a glass of water first, Mr. Chairman, if I may. Voting by special ballot is just an enhancement on our existing voting opportunity voting by special mail-in ballot. In addition to the change in title, a voting opportunity will be available to the electorate throughout the electoral period. A voting kit will be available directly from the Returning Officer instead of the Office of the Chief Electoral Officer. The elector will no longer need to request an application, fill out that application and send it in. They simply have to contact the Returning Officer by various methods. At the end of the slides I have done a presentation to provide an overview of the similarities and differences.

Who is eligible? Any eligible elector who is resident in the electoral district and whose name is on the list of electors for the polling division in which they reside can vote by special ballot. If the elector is not on the preliminary list of electors, the elector can be revised by contacting the Returning Officer directly and be approved to vote by special ballot. So, initially the Returning Officer is relying on the preliminary list of electors of any elector who come in on day number one to get a ballot or a special ballot.

Who may vote by special ballot? An eligible elector who is unable to attend any poll because of a physical or medical condition, absence from the electoral district, wherever that may be, and also incarceration.

How do you obtain a special ballot? You contact your Returning Officer in person, by phone and ask where you would require the gender, the telephone number, the date of birth so we can confirm that that is indeed the person we are talking to, by fax and in writing. Now, I know the fax and writing is probably the

same, but a person could write a letter, so that is why we put it that way, by fax or in writing.

When will voting by special ballot be available? Voting by special ballot will be available to all eligible electors from the day of the issue of the writ until 2:00 p.m. on Saturday, the 2nd day before polling day. Special arrangements will be made for eligible electors who are incarcerated and we already basically touched upon that. An elector may, at the issuance of the writ, request a special ballot, as we indicated. An elector, if they receive a ballot voting kit, a special ballot voting kit before nominations are closed they will have to contact the Returning Officer collect to find out who the candidates are. We anticipate that early requests will come from electors who will be absent from the electoral district for the whole of the event because of work, vacation or other reasons. Of course, we will give that individual who applies early a blank ballot and they will have to write in the name of the candidate. That candidate's name will be provided by the Returning Officer once nominations have closed. Of course, if there is an acclamation then there is no election and the person can basically destroy or return the ballot kit directly to the Returning Officer, who will dispose of it.

Voting by special ballot, the process. The eligible elector contacts, as I indicated earlier, the Returning Officer in person, by fax, by phone or in writing. The eligible elector provides the Returning Officer with their name, address, date of birth, gender and, if known, their elector number. Again, that is just to ensure that we are speaking or received information from the correct person. And that is why the Returning Officer will get a detailed list of the elector, including gender and date of birth.

The Returning Officer, on receipt of a request for special ballot, will confirm that the person is an eligible elector and their name appears on the list of electors. The Returning Officer will enter the name and address on the special ballot book and strike the electors name on the list of electors for that polling division. Once approved, an elector cannot vote by any other means. So, they are committed.

A special ballot kit will be provided to the elector directly or by mail. We will not courier, so we will put it in the mail for you and pay the 94 cents to get it there to you. Or a person can have somebody come in and pick it up for them or they can come up and pick it up themselves. An elector, once approved to vote by special ballot, may arrange another person to pick up their special ballot kit. The Returning Officer shall, on request, provide any candidate in the electoral district the names of electors who vote by special ballot.

The special ballot kit will contain the following: an outer return envelope that will be addressed to the Returning Officer; a special ballot certificate envelope; a special ballot envelope, and that is where you put the ballot in the special ballot envelope and you put the special ballot envelope in the certificate envelope; they will also get a blank ballot paper; and general instructions. We will instruct the person how to do it and the system has not changed from what we have right

now with the mail-in ballots. As I indicated early, anybody who got a ballot before nominations have closed, they will have to contact the Returning Officer for the names.

The Chief Electoral Officer, once nominations are closed, the Chief Electoral Officer will have to decide whether or not he is going to use printed ballots or continue to use the blank ballots. By continuing to use the blank ballots would probably be easier to control and to account for. So, from my point of view I would probably suggest that we continue on with the blank ballots throughout the electoral period. The Returning Officer would simply give a list of the candidates of their particular electoral district in the package.

The elector will write the name of the candidate on the blank ballot paper. The elector must clearly indicate for whom they are voting or the ballot will be rejected. The elector will place the completed ballot in the special ballot envelope, seal it and place it in the certificate envelope and seal it. That is the same process we are using right now.

The elector must complete part one of the certificate envelope and sign and date the declaration. If not completed correctly, the envelope will not be opened and the ballot will be rejected. That is the same thing we had in the previous method, that a person had to sign their envelope.

The elector will place the certificate envelope in the pre-addressed return envelope, seal the envelop and return it to the Returning Officer by the most convenient method prior to 8:00 p.m. on polling day. So, they can send it by courier or they can have somebody hand deliver it, it is up to them. We will not provide any postage, pre-postage. The reason why is because our business reply is not electronically controlled in the Northwest Territories, so actually what has to happen, a person actually received in the post office they have to reduce the amount of money we have available for that. So, it slows it down. That is why we are not proposing to use a business reply. Down south it is electronically controlled. Here it is not.

CHAIRMAN (Mr. Bell): What about the scenario whereby, you indicated it is 94 cents to mail this out to whoever might be voting by this method. If they turn around and put 47 cents on it to send it back and it does not make it, is there some sort of indication on this thing clearly that it has to be 94 cents to make it as far as it is going to come or does it not, the kit will be much smaller when they are sending it back? What is the perceived scenario here? Mr. McLean.

MR. MCLEAN: Mr. Chairman. I suppose what we could do is we could put right on the delivery envelope that you must have 94 cents or whatever it is to mail that back to us. We could put that right on the envelope itself. We will just check with the post office to make sure that is the proper amount. I imagine that most people who would take it to the post office would put the proper postage on it.

But there is no problem with us putting that the minimum postage is right on the envelope, so they make sure when they post it they have the right postage on it.

CHAIRMAN (Mr. Bell): Okay, I think it would make sense. I do not think it would be great if we had a lot of these that got half-way there and then were returned to sender because they had insufficient funds on them. Please continue, Mr. McLean.

MR. MCLEAN: Thank you, Mr. Chairman. The Returning Officer on receipt of the outer envelope shall open the envelope and remove the sealed special ballot certificate envelope. That is the one where they have signed the back indicating they have voted and the date they voted on. The Returning Officer would compare the name on the certificate envelope with the name appearing on the special ballot poll book and ensure that part one as completed correctly.

The Returning Officer upon being satisfied the elector is recorded in the special ballot book and part one is completed correctly, they record in the special ballot book the date and time the certificate envelope was received and that the elector voted; open the certificate envelope, remove the sealed ballot envelope and place it in the ballot box marked "special ballot." They do not open the certificate envelope. Okay. That goes in the box.

If the Returning Officer is not satisfied as to the electors eligibility or part one has not been completed correctly and signed, shall retain the special ballot certificate envelope unopened, treat the ballot as a rejected ballot, and mark the certificate envelope accordingly.

CHAIRMAN (Mr. Bell): Mr. Krutko.

MR. KRUTKO: Yeah, just, you also send along, say, a sample or of what you expect to make sure they do fill out all the blanks so it does not have to be sent back or whatnot, so that they have an example. Joe Blow is voting this way, this is your address, this is the information we request, date of birth and everything. So, it is sort of a sample that goes along with the information so they can compare and say, okay, well I check it off as they fill it out.

CHAIRMAN (Mr. Bell): Mr. McLean.

MR. MCLEAN: Mr. Chairman, yes. Our instructions will have an instruction package included with the kit showing how to do the, how to vote, how to fill out the ballot and also how to complete the reverse side of the certificate envelope to make sure that people do it right. All they have to do is date it and sign it. That is all they have to do. Nothing more.

CHAIRMAN (Mr. Bell): Mr. Krutko.

MR. KRUTKO: Yeah, the reason I suggest a sample is because people can sort of relate visually than having to, say, read instructions. Because of the high case

of illiteracy and that it is a lot easier for people to visually see exactly what they are expected to do versus trying to read some instructions and whatnot. So, that is why I ask, are you going to be sending a sample of what the application should look like once it is filled out or totally complete.

CHAIRMAN (Mr. Bell): Thank you. Mr. McLean.

MR. MCLEAN: Mr. Chairman, yes. The instruction pamphlet will have an illustration of what your ballot should look like and what your certificate envelope should look like. So, there will be written instructions and also a picture instruction, as well. A visual instruction.

CHAIRMAN (Mr. Bell): Sorry, Mr. Handley.

HON. JOE HANDLEY: As I understand it, the elector will mail the ballot back. They cannot fax it or any other way. It has to be mailed. There are, we had some instances last time, people out of the country and I know it was nip and tuck to make it, even with a longer period of time. The short period of time, mailing something from Australia is not necessarily going to work.

CHAIRMAN (Mr. Bell): Mr. McLean.

MR. MCLEAN: Mr. Chairman, they can send it by courier. It is up to the elector to ensure they get their ballot back and we certainly do not want to start paying for couriers and stuff like that. But hopefully a person who goes to Australia will contact their Returning Officer and get a ballot before they actually, they can vote once they find out who the candidate is.

CHAIRMAN (Mr. Bell): Thank you. Please continue, Mr. McLean.

MR. MCLEAN: Thank you, Mr. Chairman. The Returning Officer and Assistant Returning Officer at the close of the polls on polling day shall proceed to count the votes as if the ballot box were from voting in the Office of the Returning Officer. It is all the same rules and regulations of counting any ballot. The Returning Officer and Assistant Returning Officer are probably going to be busy because you are getting results in from other deputy returning officers. So, what the Returning Officer can do is hire or appoint a deputy returning officer to count those particular votes for them. So, the do not have to do it themselves, they can appoint a deputy returning officer to help them.

I am sorry, Mr. Chairman, my assistant is getting ahead of me. The Returning Officer, following the count of the ballots, will report the results on the supplied form and report the results accordingly. What we are also entertaining, that should the number of electors who voted by special ballot be less than three, the Returning Officer report the results with the voting from their office so we can protect the confidentiality of the vote. If you have two voters you can basically figure out how they voted, if you have three you might not be able to so much. But maybe three is not enough. We may have to increase that.

The Returning Officer who receives an outer envelope after the close of polls shall retain the envelope, leave the envelope sealed, consider the ballot as rejected and report the reason for the rejection on the outer envelope. The Returning Officer will return all certificate envelopes and unopened outer envelopes to the Chief Electoral Officer.

Of course, the counting of those ballots is, if they cannot distinguish the writing, they cannot confirm who the candidate is, the Returning Officer has the authority to or the deputy returning officer, whoever is counting, has the authority to reject that ballot. The only way it can be overturned is if it is a contested election and a judge decides that ballot was valid.

The similarities of the present system to the special ballot: you must be an eligible elector; you must be on the list of electors; you must apply for a ballot; a voting kit and instructions provided; ballot kit may be picked up by another person once the application has been approved; may return the ballot by mail, in person or by any other method except by fax or electronically; once approved to vote by this method an elector may not vote by any other method.

Differences. With special ballot no application form is required, but the other, right now an application form is required. A special ballot you apply to the Returning Officer. Under our present method, the person has to apply to the Chief Electoral Officer. With special ballot, you receive the voting kit from your Returning Officer with a write-in ballot. You receive under the present system, you receive a voting kit from the Chief Electoral Officer once the ballot is printed. So, that cuts down on your time that you have actually to get the ballot and get it back under our present system. Special ballot may apply from the issue of the writ until 2:00 p.m. Saturday, the second day before polling day. Mail-in ballot, the present system, may apply from the issue of the writ to the 21st day before polling day. You have up to 28 days to apply and cast a ballot under the new provisions we are suggesting. Under the mail-in ballot, up to eight days to apply and 15 days to cast the ballot. The ballot must be returned to the returning officer by 8:00 p.m. on polling day under the new system. The ballot must be returned to the Chief Electoral Officer by 5:00 p.m. on the third day before polling day. Under the special ballot provision, the ballot counted and reported by Returning Officer. The ballot under our present system is the Office of the Chief Electoral Officer counts those ballots and then provides that information to the Returning Officer. That is it. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Bell): Thank you, Mr. McLean. Any questions from committee? Seeing none, then we will move to mobile poll. Mr. Hamilton.

MR. HAMILTON: Mr. Chairman, this is the shortest of the presentations. So, it will go quite quickly. It is important that in expanding our voting opportunities it is very important that we have expanded it to be able to hopefully allow any eligible elector the ability to cast a ballot in a territorial election. Sometimes there are dangers in doing that and some of the procedures that you saw just for the mail-

in ballot, moving from a mail-in ballot, which was our first time that we used a mail-in ballot at the last general election and there were a number of problems with that. Now that we are recommending that, and if the committee approves our recommendation, doing away with proxy voting, we are trying to ensure that whatever enhanced and new opportunities that we are putting in place tries and captures possibly every situation that whereby an elector wants to be able to cast their vote that we provide them an ability to do that. As indicated by Mr. McLean, expanding the special ballot to the whole 28 days is, does, could possibly have its difficulties. Some people may not like or may not even want to put in a name on a blank ballot. There are certain, these things that electors will have to get used to and also may question sometimes the way we are doing it. So, in all the procedures that we are proposing to the committee is to ensure that there are enough safeguards in the system to protect, first to protect that individual's secrecy of the ballot and to ensure that there is no abuses of the system. So, there are in expanding voting opportunities, we have to be very careful that we ensure that we do not disenfranchise anybody, but as you will see when I have concluded the mobile poll, there probably will be some people that on, getting close to polling day or throughout the 28 days, if that is adopted, may not be able to get past their ballot. Throughout the whole process, I think, Mr. Chairman, you will find and being found is that voters have to take a certain responsibility on themselves to be informed and to find out how they can cast their ballot because we do during a campaign, during an election period, get a lot of phone calls from people saying, you know, you are disenfranchising me. The voter just did not take that little extra step to be informed on how to cast their ballot. So, we can put all the best systems and voting opportunities in place to allow this to happen, but there is a certain, quite a large onus on voters as well to know what the system is.

The last one, Mr. Chairman, is dealing with voting by special mobile poll. This is a new voting opportunity that we are proposing to put into our system. This voting method is restricted to those eligible electors who find themselves confined to their home, hospital or seniors facility and do not wish to vote by special ballot. So, those are, these are the people we are trying to capture that did not use the proposed opportunity that Mr. McLean just went through and sort of another category of groups. Even we are down to individual here, when we are talking about somebody that is confined to their home because of they are bedridden or they are just for some reason they are not able to go out of their house to vote.

Presently, this opportunity is restricted to those eligible electors who reside in the community in which the Returning Officer is located. Those eligible electors who apply from other communities within the electoral district will be offered the opportunity to vote by special ballot. This does go to Mr. Krutko's point is that we are only offering this opportunity because of organization and access to moving ballot boxes and ballots around a community to the community that has, where the Office of the Returning Officer is listed. This is only our recommendation. If committee wishes to put in categories that can be expanded that is certainly their ability to recommend that if you wish.

The present mobile poll provisions will be repealed as these provisions mainly address voting needs at outpost camps or in isolated areas. As Members are aware, we already have in our Elections Act the ability for an outpost camp, the old term outpost camp that has been used for years, or in an isolated area where outside any of the communities we did fly in, we have had mobile polls that have been flown in by aircraft, we have had them go in by boat and we have had them go in by ski-doo. So, we are proposing to repeal that because we have, in the Northwest Territories as we know it today, very little requirements for, we have not had a request for I would say the last three elections, so that is 12 years, for a mobile poll with that which now is consistent with the Northwest Territories. Again, of course, that goes to the timing of the year of the election.

We do, of course, this will be, one other group of people that are becoming eligible voters now with the increases is in mine sites and eligible voters working in mine sites will have the opportunity to vote by special ballot or arrange to vote at the Returning Officer's office at an advance poll or again on polling day. So, we will definitely make information available to those eligible electors who work at mines in the Northwest Territories.

Special mobile poll, with the prior approval of the Chief Electoral Officer, the Returning Officer may establish a special mobile poll. So we are relying on our Returning Officer in the communities to advise us where they think there is a need and indicate it to them whereby there should be a special poll.

Who may vote at a special mobile poll? Any eligible elector who is in hospital, residing in a senior citizens home or confined to their home for medical or mobility reasons in their electoral district. The eligible elector whose name does not appear on the official list of electors still may apply to vote by special ballot and be sworn in by the deputy returning officer conducting a special mobile poll. So, we are indicating that even if your name is not on the list and you wish to have his vote there, then you will be treated like any individual who comes into the poll and you may be sworn in by the deputy returning officer and actually vote in your home.

Establishing a special mobile poll. The Returning Officer must, prior to the 18th day before polling day, determine the date and time of the special mobile poll, advise the Chief Electoral Officer and provide public notice. The voting by special mobile poll must be held between the 7th and 4th day before polling day and the Returning Officer shall appoint a deputy returning officer and poll clerk to conduct the special mobile polling station. We do need to know when it is, we do need to make it publicly known because sometimes you want to ensure that you have proper access to a senior citizen's home or any other facility of that nature because there may be some issues of access to people, to patients and to individuals. So, that is why you need to advance notice and we make it known.

Procedure for voting by special mobile poll. An eligible elector who wishes to vote by special mobile poll may apply to the Returning Officer by phone or in writing to

have the special mobile voting station visit their place of residence. An eligible elector must apply to vote by special mobile poll within the period in which applications are being accepted by the Returning Officer. Application to vote by special mobile poll may be received by the Returning Officer from the giving of a notice until Friday, the tenth day before polling day. The Returning Officer must be satisfied that the elector is eligible to vote by special mobile poll. The Returning Officer may accept any form of proof that they consider satisfactory that we will determine with them as to ensure that this is the person indicating they are, the person they say they are to vote at a mobile poll. If the elector is eligible, the Returning Officer will advise the elector of the date and time that he or she will vote. The Returning Officer will produce a list of electors to be used at the special mobile poll voting station showing the electors' names, addresses and arranged alphabetically.

Procedures, again, the Returning Officer will provide to each candidate nominated in the electoral district the names of each elector who applied to vote at the special mobile poll. On the day of the special mobile poll the deputy returning officer and poll clerk shall attend each elector as previously arranged. Voting at the special mobile voting station is conducted pursuant, of course naturally, to the provisions of the Elections Act.

Procedures following the voting at the close of the mobile poll, the ballot box will be sealed and the deputy returning officer shall give the sealed ballot box to the Returning Officer. The Returning Officer shall ensure that each deputy returning officer affected is advised of those electors who voted at the special mobile poll.

At the close of the polls on polling day, this is how the votes, any votes cast at a special mobile poll are counted, conduct the special mobile poll, will count and report the results to the returning officer pursuant to the Elections Act. If the number of electors who voted at the special mobile poll are less than five, the Returning Officer will report the results with the vote from voting in the Office of the Returning Officer. This again is an effort to not make change, as Mr. McLean indicated, in the other voting opportunity to ensure the secrecy of the ballot and to ensure that none can figure out how that individual voted. If we were to report the results as we did in the last general election, we had some votes that were cast that you could quite, it would not be too hard for somebody to figure out how that individual voted, so we tried to blend as much of the results into a number of votes to ensure and protect that individual's secrecy of the ballot.

Mr. Chairman, that is sort of the last of our new and proposed changes to voting opportunities in the Northwest Territories. I apologize that some of these have taken a bit longer, but as I indicated, it just goes, we are required to ensure, again, that we protect the secrecy of the ballot and that all procedures are in place to ensure that the voters can be satisfied that the systems that we put in place are there for their availability to vote and also to protect the way they voted. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Bell): Thank you. Mr. Krutko, you have a question on this presentation?

MR. KRUTKO: Yeah, I am just wondering exactly what is the application process that is going to be used? Is there going to be a formal application or is there a process that you have to follow to be able to apply to get this, to be able to have the mobile poll?

MR. HAMILTON: Mr. Chairman, the process will be they just go and contact the Returning Officer and indicate to them that they are unable to go to a poll. Obviously, what happened in the last election when we did authorized, I did have the ability to authorize special, outside of the normal procedures and Returning Officer are very familiar with their communities. They know their communities in their electoral district and they know if there is a seniors facility. So, they will obviously take the initiative to identify to me fairly well, we ask them to identify to us fairly early on in the process if they have a seniors facility in their community that obviously we know that there is going to be a mobile poll to it. Sometimes we have returning officers who have actually gone there to find out maybe some of the majority of the or the residents are mobile and they can make arrangements to come with a van or something that they have there to actually vote. Because some Elders still like to go out and get to the polls and cast their ballot themselves. So, that opportunity is still there, but if there are in any given facility two or three people that cannot, are not mobile, then we will send a special poll to them. Now, as you can see, we are even talking about individuals in their home and I think that goes to show that we are trying to respond to all areas of abilities to allow people to vote, but we have to ensure that there are procedures in place to ensure the system works well.

CHAIRMAN (Mr. Bell): Thank you, Mr. Hamilton. Mr. Krutko.

MR. KRUTKO: Yeah, just in regard to your request for senior citizens home there, like I mentioned, the one in Aklavik, it is a regional senior citizens home. It is a level three facility where all Elders from the majority of the communities from Tuktoyaktuk all the way to Fort MacPherson or Aklavik usually end up in this home which has been identified as a level three facility. So, there again, but in most cases the Returning Officer usually was in Fort MacPherson, but the seniors facility that has the biggest, say, population is in Aklavik. So, again, but because under the rules that you mentioned it has to basically take place where the returning officer is located. So, I mean, in that case, what can we do to say allow for the Returning Officer to go into Aklavik, to into that seniors facility or have some arrangement where you can pass it on to her assistant who may be identified in Aklavik to deal with the election?

CHAIRMAN (Mr. Bell): Mr. Hamilton.

MR. HAMILTON: Thank you, Mr. Chairman. If it is the wish of the committee, there is the ability to write into the legislation that the Chief Electoral Officer may

authorize a poll be held in a facility other than the one that is in where the Returning Officer is located. There is nothing wrong with putting that in **the version**, but like any decision like that bear in mind that there is a cost to doing that and I am not saying that you cannot put a cost on an individual's vote, a price on it, but there is a cost, bearing in mind that whatever other enhancements you continue to do there will be a cost to do that, but if it is the wish of the committee to put that in. Right now, if you wish to hold a mobile poll, as we traditionally have called them, in isolated areas, then the Chief Electoral Officer can order one as well. So, that could be added to this legislation if the committee wishes to recommend that. That is not a problem.

CHAIRMAN (Mr. Bell): Mr. Krutko, anything further?

MR. KRUTKO: Well, I think just, referencing what Mr. Hamilton is saying, I think we should just put a must in there that they will have polls available at seniors centres, hospitals and whatnot that will be a given. So, I mean, not bearing a cost, I think we should take that extra step to ensure that happens.

CHAIRMAN (Mr. Bell): I think that is up to the committee and up to the legislature to make that determination. Mr. Hamilton.

MR. HAMILTON: Mr. Chairman, you are correct, it is, but bearing in mind it would depend on how you made that permissible legislation. As the Member just indicated, you are talking about a regional seniors facility, so it may have people in it other than people from that particular electoral district. Same could be from a hospital as well. So, for example, if you were to put it in mandatory you hold it in hospitals, Inuvik hospital, Stanton hospital, Hay River hospital, we would, special arrangements would have to be made to ensure, because not all the voters would come from that particular electoral district. So, it would be, may be a little bit difficult to ensure how you capture that because if you were to say, for example, Inuvik general hospital could have residents from three, four, five different electoral districts. So, certainly arrangements would have to be made for their availability to vote. There may be more opportunity for them to apply for a special ballot and they can write in their ballot and still mail it in time to get to some of the districts. So, every combination would need to be looked at to ensure that we have the correct, how wide and how narrow you want to make it, Mr. Chairman.

CHAIRMAN (Mr. Bell): Thank you. Mr. Krutko.

MR. KRUTKO: Well, that is why, I think, you mentioned the uniqueness of it, but I think that is what happens when you have these regional facilities or regional centres. Like, Inuvik hospital you have a long term care ward in there where a lot of elderly people from our communities end up there. They should still have the right to vote and I think we have to make that extra effort to ensure that there is a mechanism there that we will be able to allow people to go in there and offer that service to them. I think that, you know, we do realize that is a, we do have some

unique, I would not say, I mean, we have to find unique ways of dealing with some of these problems and I think that because of having the territories the way it is we do, people in the communities and whatnot depend on these regional centres, the elders regional centres, regional hospitals. I think that because of that we should realize that we do have to find a way or mechanism to allow for those people to vote who do not have the ability to come back to the communities and place that ballot themselves. We do have to make that extra effort to do it. That is part of having regional government.

CHAIRMAN (Mr. Bell): Mr. Hamilton.

MR. HAMILTON: I am assuming, yes, all the comments of the Member are also very valid and that is, as I indicated a few minutes ago, is our intention to try and afford anybody who wishes their, to cast a ballot in any electoral district, their ability to do that. Prior to what we are proposing, an example, not that I want to compare our correctional institutions with our hospitals, but we did conduct, obviously inmates come from all across the Northwest Territories and we went in and actually conducted, we got a pre-list so we knew where all the inmates were from and so we went in and conducted a poll and a number of ballots depending on which electoral district you came from. We recommending that be replaced by special, of course, inmates, they do not have to, it is not compulsory, they do not have to vote, their right was there, if they wished to vote then they had the ability to do so. We are proposing to replace that whereby any inmate would also apply for a special ballot and would cast it that way. The Member raises some valid issues and certainly we would have to take into consideration how you would handle a voting at a regional hospital or any regional facility that would have residents from outside that particular electoral district. I am not saying it is impossible, everything, it is possible. It is just, how do we, if you make it mandatory, I am just concerned how that would be achieved. We would have to have another process in place which makes it even more complicated. We try to want to make it simpler for our voters rather than making it complicated. At any given day you can go into hospital and then of course those people on that day may be there and the next day they may have gone home or they may come in after the fact as well. They may come into hospital after you have conducted the mobile poll in that particular hospital. They may come in to the hospital the other day and had not voted before they left. So there is an opportunity for them to cast theirs by mail-in, mobile, sorry, special ballot if that is the time. I am prepared if the committee wish to recommend things to, of course, naturally look at it, of course.

CHAIRMAN (Mr. Bell): Okay. Thank you, Mr. Hamilton. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, just one, just more of a comment rather than a question, although I guess there is a question there. There are a number of seniors who are at home, are not confined to their house in a technical way, but they have a difficulty getting to the poll or waiting in line and so on, but this seems to exclude them from this because the way it is worded is, residing in a

senior citizens home. So, anyone regardless of their mobility and so on are eligible and so on, or confined to their home for medical or mobility reasons. Is there some discretion meant in here? How would this be defined?

CHAIRMAN (Mr. Bell): Mr. Hamilton.

MR. HAMILTON: Mr. Chairman, Mr. McLean says that is bad English construction and he is admitting it because he wrote it. I do not know how far down we have thought on what would be the definition that you would apply to somebody that was an individual who was not mobile or for medical reasons unable to leave it. You are correct, one day that person may feel well enough to go out and vote and the next day, depending on their condition. So, I think we are going, we still have to work on what would be used to define that. We do not want it as loose whereby just because on that given day, we did have a case in the last election whereby somebody had indicated, phoned up at the last minute and said, well, I cannot leave my home so I want the ballot box brought here right now. Well, you know, that raises a whole bunch of concerns in my mind that how do you deal with that, that that individual did not apply and did not make it known that they wanted a mobile poll. We have not worked on the what would be used criteria yet. That would be something that we would work on to ensure that we try and capture the valid reasons for sending a ballot box to an individuals home. That we want to be sure that we capture that.

CHAIRMAN (Mr. Bell): Thank you, Mr. Hamilton. Any further questions from the committee on the presentations for Mr. McLean and Mr. Hamilton? Seeing none and before we break for lunch and return at 1:30 with a consideration of item number four, I would like to indicate that the committee did receive two written submissions in response to the recommendations made by the Chief Electoral Officer and two submissions, one from Mr. Braden and one from Mr. Kakfwi. Just briefly, Mr. Braden comments on length of time for which an elector may claim a temporary absence, as well as recommendations for reductions in length of election event. As well, comments on election financing and agrees that the Chief Electoral Officer should undertake a comprehensive review. Mr. Kakfwi makes comment on several areas, including eligibility of electors, Members spouses and dependents and their ability to vote, advance polls, sale of liquor on election day and length of electoral event. These submissions will be attached as appendices to our report. Both will become public when we table them in the House. So, thank you, Mr. Hamilton and Mr. McLean. We will return, committee Members, at 1:30 with the conclusion of the meeting and item number four. Thank you. We are adjourned.

-- ADJOURNMENT